

立法會
Legislative Council

Ref : CB2/BC/8/01

LC Paper No. CB(2) 2278/01-02
(These minutes have been seen by
the Administration)

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

**Minutes of the eighth meeting
held on Monday, 3 June 2002 at 8:30 am
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Audrey EU Yuet-mee, SC, JP (Chairman)
Hon Kenneth TING Woo-shou, JP
Hon LEE Cheuk-yan
Hon Bernard CHAN
Hon Andrew CHENG Kar-foo
Hon LI Fung-ying, JP
Hon LEUNG Fu-wah, MH, JP
- Members absent** : Hon James TIEN Pei-chun, GBS, JP
Hon Albert HO Chun-yan
Hon Eric LI Ka-cheung, JP
Hon CHAN Kwok-keung
Hon LEUNG Yiu-chung
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, JP
- Public Officers attending** : Mrs Jenny CHAN
Assistant Commissioner for Labour (Rights and Benefits)
- Mr LAI Ka-tong
Senior Labour Officer (Compensation)
- Mr Lawrence PENG
Senior Government Counsel

Clerk in attendance : Mrs Sharon TONG
Chief Assistant Secretary (2) 1

Staff in attendance : Miss Kitty CHENG
Assistant Legal Adviser 5

Ms Dora WAI
Senior Assistant Secretary (2) 4

I. Meeting with the Administration

The Bills Committee deliberated (index of proceedings attached at **Annex**).

2. The Administration was requested to -

- (a) provide information on the time limit to file proof of debt by a creditor against an insolvent company with the Official Receiver's Office under the Bankruptcy Ordinance;
- (b) advise members of the provision which provided for the categories of persons eligible for applying payment of statutory compensation and damages from the Fund in respect of an employee in a non-fatal injury who died before such application was made; and
- (c) consider improving the drafting of the Chinese version of the proposed section 17(1)(b).

3. Mr LEE Cheuk-yan appealed for members' support of the following proposals which the Administration had no intention to pursue -

- (a) If an estate administrator who was also an eligible person under the Bill, the amounts of pre-trial loss of accumulation of wealth and post-trial loss of accumulation of wealth awarded to the estate should be included in the calculation of relief payment; and
- (b) The amount of monthly relief payment should be increased in the case of severely injured employees requiring long term care.

II. Dates of next meetings

4. The Bills Committee noted that the next meeting would be held on 5 June 2002 at 8:30 am. It also agreed that two more meetings be scheduled for 7 June 2002 at 4:00 pm and 13 June 2002 at 4:30 pm.
5. Members also noted that if the Bills Committee could conclude its deliberations at the meeting on 7 June 2002, the Bills Committee would recommend that the Second Reading debate on the Bill be resumed at the Council meeting on 26 June 2002. However, if the Bills Committee concluded its deliberations at the meeting on 13 June 2002, the Second Reading debate on the Bill would be resumed at the Council meeting on 3 July 2002.
6. There being no other business, the meeting ended at 10:30 am.

Council Business Division 2
Legislative Council Secretariat
12 June 2002

**Proceedings of the eighth meeting of the
Bills Committee on
Employees Compensation Assistance (Amendment) Bill 2002
held on Monday, 3 June 2002 at 8:30 am
in Conference Room A of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
000000 - 000124	Chairman	Confirmation of minutes of meetings held on 14.5.2002 and 23.5.2002	
000124 - 000249	Admin	Admin's written response to Legal Service Division's letter dated 29.5.2002 on application of relief payment provisions (LC Paper No. CB(2)2126/01-02(02))	
000249 - 000410	Chairman	Amount of statutory compensation	
000410 - 000447	Admin	- ditto -	
000447 - 000500	Chairman	- ditto -	
000500 - 000503	Admin	- ditto -	
000503 - 000525	Chairman	Admin's paper on long term care and attention to injured employees (LC Paper No. CB(2)2126/01-02(03))	
000525 - 000805	Admin	Briefed members on the above paper	
000805 - 000846	Chairman	Maximum amount of compensation (including statutory compensation and initial relief payment) to be received by a severely injured employee requiring long term care who was assisted by the Fund Board	
000846 - 001042	Admin	- ditto -	
001042 - 001050	Chairman	- ditto -	
001050 - 001101	Admin	- ditto -	
001101 - 001133	Chairman	- ditto -	
Clause-by-clause examination of the Bill			
001133 - 001319	Chairman	(a) Clause 3 - Interpretation (Proposed section 2(2) concerning adoption of child); and (b) Clause 4 - Constitution of the Board	
001319 - 001354	Admin	Clause 4 - Constitution of the Board	
001354 - 001409	Mr LEUNG Fu-wah	- ditto -	
001409 - 001423	Chairman	Clause 5 - Employees Compensation Assistance Fund	
001423 - 001431	Admin	- ditto -	
001431 - 001443	Chairman	Clause 6 - Application by employee etc for payment from the Fund in relation to unpaid compensation	

Time	Speaker	Subject(s)	Action required
001443 - 001558	Admin	- ditto -	
001558 - 001638	Chairman	- ditto -	
001638 - 001647	Admin	- ditto -	
001647 - 001650	Chairman	- ditto -	
001650 - 001704	Admin	- ditto -	
001704 - 001745	Chairman	Clause 7 - Application by employer for payment from the Fund	
001745 - 001914	Admin	- ditto -	
001914 - 001945	Chairman	Clause 6 - Application by employee etc for payment from the Fund in relation to unpaid compensation	
001945 - 002004	Admin	- ditto -	
002004 - 002023	Chairman	- ditto -	
002023 - 002046	Admin	- ditto -	
002046 - 002100	Chairman	Clause 7 - Application by employer for payment from the Fund	
002100 - 002207	Admin	- ditto -	
002207 - 002227	Chairman	- ditto -	
002227 - 002310	Admin	- ditto -	
002310 - 002329	Chairman	- ditto -	
002329 - 002346	Admin	- ditto -	
002346 - 002402	Chairman	- ditto -	
002402 - 002551	Mr Andrew CHENG	Clause 7 - Application by employer for payment from the Fund (a) Chinese version of the drafting of the proposed section 17(1)(b); and (b) Policy intent of the proposed section 17(3)	
002551 - 002651	Admin	Policy intent of the proposed section 17(3)	
002651 - 002703	Mr Andrew CHENG	- ditto -	
002703 - 002708	Admin	- ditto -	
002708 - 002718	Mr Andrew CHENG	Chinese version of the drafting of the proposed section 17(1)(b)	
002718 - 002722	Admin	- ditto -	
002722 - 002728	Mr Andrew CHENG	- ditto -	

Time	Speaker	Subject(s)	Action required
002728 - 002858	Admin	Admin to consider improving the drafting of the Chinese version of the proposed section 17(1)(b)	✓ Admin to consider
002858 - 002914	Chairman	Clause 8 - Application by employer for payment from the Fund to third party	
002914 - 003012	Admin	- ditto -	
003012 - 003044	Chairman	Clause 9 - Section added (Proposed section 18A - Provisions ancillary to sections 17 and 18)	
003044 - 003226	Admin	- ditto -	
003226 - 003240	Chairman	Proposed section 18A(2) (Non-eligibility for payment from the Fund in the case where an employer failed to make an application under section 17 within 180 days after the date on which the employer was entitled to make the application)	
003240 - 003244	Admin	- ditto -	
003244 - 003306	Chairman	- ditto -	
003306 - 003419	Admin	- ditto -	
003419 - 003427	Mr Kenneth TING	Basis for setting 180 days under the proposed section 18A(2)	
003427 0 003545	Admin	- ditto -	
003545 - 003623	Mr Kenneth TING	- ditto -	
003623 - 003707	Admin	- ditto -	
003707 - 003751	Chairman	Proposed section 18A(2) (Non-eligibility for payment from the Fund in the case where an employer failed to make an application under section 17 within 180 days after the date on which the employer was entitled to make the application)	
003751 - 003822	Admin	- ditto -	
003822 - 003852	Mr LEE Cheuk-yan	- ditto -	
003852 - 003909	Chairman	Difference between applications under sections 17 and 18	
003909 - 004102	Admin	(a) Ditto; and (b) Proposed section 18A(2) and (3)	
004102 - 004142	Mr Kenneth TING	Reasons for not allowing a longer period for an employer to make an application for payment from the Fund under section 17	
004142 - 004238	Admin	- ditto -	
004238 - 004316	Chairman	- ditto -	
004316 - 004328	Admin	- ditto -	

Time	Speaker	Subject(s)	Action required
004328 - 004340	Chairman	- ditto -	
004340 - 004607	Admin	- ditto -	
004607 - 004638	Chairman	- ditto -	
004638 - 004716	Admin	- ditto -	
004716 - 004806	Mr Kenneth TING/ Chairman	- ditto -	
004806 - 004904	Mr LEUNG Fu-wah	Views on the proposal to require an employer to make an application for payment from the Fund within 180 days after the date on which the employer was entitled to make the application	
004904 - 005029	Admin	- ditto -	
005029 - 005048	Mr Kenneth TING	- ditto -	
005048 - 005145	Mr LEE Cheuk-yan	Time limit for a creditor to file proof of debt by a creditor against an insolvent company with the Official Receiver's Office under the Bankruptcy Ordinance	
005145 - 005149	Chairman	- ditto -	
005149 - 005151	Admin	- ditto -	
005151 - 005317	Chairman	Situation where an employer might be unable to make an early application for payment from the Fund	
005317 - 005410	Admin	Admin to provide information on the time limit to file proof of debt by a creditor against an insolvent company with the Official Receiver's Office under the Bankruptcy Ordinance	✓ Admin to provide the information
005410 - 005623	Mr Andrew CHENG	Possibility of providing the Fund Board with the discretion to extend the time limit of 180 days under the proposed section 18A(2)	
005623 - 005912	Admin/ Mr Andrew CHENG	- ditto -	
005912 - 010048	Ms LI Fung-ying	Views on the proposal to require an employer to make an application for payment from the Fund within 180 days after the date on which the employer was entitled to make the application	
010048 - 010125	Mr Kenneth TING	- ditto -	
010125 - 010307	Chairman/ Mr Kenneth TING	- ditto -	
010307 - 010407	Chairman	Implications on an employee where the employer made an application for payment from the Fund under the proposed section 18A(3)	
010407 - 010555	Admin	- ditto -	
010555 - 010620	Chairman	- ditto -	
010620 - 010641	Admin	- ditto -	
010641 - 010647	Chairman	- ditto -	

Time	Speaker	Subject(s)	Action required
010647 - 010653	Admin	- ditto -	
010653 - 010721	Chairman	Clause 10 - Limitations on applications by employers	
010721 - 010808	Admin	- ditto -	
010808 - 010842	Chairman	- ditto -	
010842 - 010911	Admin	- ditto -	
010911 - 010921	Chairman	- ditto -	
010921 - 010940	Admin	- ditto -	
010940 - 011007	Chairman	(a) Ditto; and (b) Clause 11 - Notice of insolvency of insurer	
011007 - 011035	Admin	Clause 11 - Notice of insolvency of insurer	
011035 - 011039	Chairman	- ditto -	
011039 - 011101	Admin	- ditto -	
011101 - 011126	Chairman	Clause 12 - Sections added (Proposed section 20A - Application by employee etc for relief payment from the Fund in relation to unpaid damages)	
011126 - 011215	Admin	- ditto -	
011215 - 011245	Chairman	- ditto -	
011245 - 011304	Admin/ Chairman	- ditto -	
011304 - 011336	Admin	- ditto -	
011336 - 011339	Chairman	- ditto -	
011339 - 011354	Admin	- ditto -	
011354 - 011444	Chairman	Provision which provided for the categories of persons eligible for applying payment of statutory compensation and damages from the Fund in respect of an employee in a non-fatal injury who died before such application was made	
011444 - 011529	Admin	- ditto -	
011529 - 011545	Chairman	- ditto -	
011545 - 011551	Admin	- ditto -	
011551 - 011601	Chairman/ Admin	- ditto -	
011601 - 011618	Chairman	- ditto -	

Time	Speaker	Subject(s)	Action required
011618 - 011622	Admin	- ditto -	
011622 - 011700	Chairman	- ditto -	
011700 - 011714	Admin	- ditto -	
011714 - 011748	Chairman	- ditto -	
011748 - 011855	Admin	- ditto -	
011855 - 012049	Chairman	(a) Ditto; and (b) Clause 12 - Sections added (Proposed section 20B - Amount of relief payment)	✓ Admin to provide a written response on (a)
012049 - 012236	Admin	Clause 12 - Sections added (Proposed section 20B - Amount of relief payment)	
012236 - 012248	Chairman	Letter dated 29.5.2002 from Legal Service Division to Admin on application of relief payment provisions (LC Paper No. CB(2)2126/01-02(01))	
012248 - 012340	ALA5	- ditto -	
012340 - 012609	Mr LEE Cheuk-yan	Inclusion of the amounts of pre-trial loss of accumulation of wealth and post-trial loss of accumulation of wealth awarded to the estate in the calculation of relief payment in the case where an estate administrator who was also an eligible person under the Bill	
012609 - 012703	Admin	- ditto -	
012703 - 012750	Chairman	- ditto -	
012750 - 012855	Admin/ Chairman	- ditto -	
012855 - 012859	Chairman	- ditto -	
012859 - 013008	Mr LEE Cheuk-yan	- ditto -	
013008 - 013040	Chairman	- ditto -	
013040 - 013159	Mr LEE Cheuk-yan	- ditto -	
013159 - 013326	Admin	- ditto -	
013326 - 013427	Mr LEE Cheuk-yan	- ditto -	
013427 - 013443	Admin	- ditto -	
013443 - 013615	Mr LEE Cheuk-yan/ Chairman	- ditto -	
013615 - 013629	Mr LEE Cheuk-yan	- ditto -	

Time	Speaker	Subject(s)	Action required
013629 - 013706	Chairman	(a) Ditto; and (b) Clause 12 - Sections added (Proposed section 20C - Manner of payment of relief payment)	
013706 - 013911	Admin	Clause 12 - Sections added (Proposed section 20C - Manner of payment of relief payment)	
013911 - 014008	Chairman	- ditto -	
014008 - 014017	Admin	- ditto -	
014017 - 014110	Chairman	- ditto -	
014110 - 014230	Admin	- ditto -	
014230 - 014338	Chairman	- ditto -	
014338 - 014616	Admin	- ditto -	
014616 - 014632	Chairman	Clause 12 - Sections added (Proposed section 20D - Cessation of payments under section 20C(2)(b))	
014632 - 014709	Admin	- ditto -	
014709 - 014801	Chairman	- ditto -	
014801 - 014826	Admin	- ditto -	
014826 - 014900	Chairman	(a) Ditto; and (b) Clause 12 - Sections added (Proposed section 20E - When eligible person ceases to be entitled to relief payment)	
014900 - 014944	Admin	- ditto -	
014944 - 015008	Chairman	Clause 12 - Sections added (Proposed section 20F - Apportionment of relief payment)	
015008 - 015203	Admin	- ditto -	
015203 - 015216	Chairman	Clause 12 - Sections added (Proposed section 20G - Set-off)	
015216 - 015246	Admin	- ditto -	
015246 - 015300	Mr LEE Cheuk-yan	- ditto -	
015300 - 015415	Admin	- ditto -	
015415 - 015740	Chairman/members/ Admin	Dates of subsequent meetings	
015740 - 015925	Mr LEE Cheuk-yan	(a) Inclusion of the amounts of pre-trial loss of accumulation of wealth and post-trial loss of accumulation of wealth awarded to the estate in the calculation of relief payment in the case where an estate administrator who was also an eligible person under the Bill; and (b) Possibility of increasing the monthly relief payment in the case of severely injured employees requiring long term care	

015925 - 020001	Chairman	- ditto -	
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Note : The audio records of the above proceedings are kept at the LegCo Library

Council Business Division 2
Legislative Council Secretariat
12 June 2002