

立法會
Legislative Council

LC Paper No. LS70/02-03

**Paper for the House Committee Meeting
on 7 March 2003**

**Legal Service Division Report on
Motion under section 48A of the
Employees' Compensation Ordinance (Cap. 282)**

The Secretary for Economic Development and Labour (SEDL) has given notice to move a motion at the Council meeting on 19 March 2003. The motion seeks the Legislative Council's approval of the amendments to the Third Schedule of the Employees' Compensation Ordinance (Cap. 282) (ECO). The amendments increase the amount of medical expenses that an employer has to pay under the following provisions of the Third Schedule :-

Paragraph	Brief description of medical expenses	Existing amount	Revised amount
1(b)	Amount for each day of stay in hospital	\$175	\$200
2(b)	Amount for each day of medical treatment other than as an in-patient in a hospital	\$175	\$200
3	Amount for each day of medical treatment of the employee both as an in-patient and other than as an in-patient in a hospital	\$175	\$280

Background

2. Under section 10A of ECO, an employer is liable to pay medical expenses in respect of a personal injury caused to an employee by accident arising out of and in the course of his employment. If the employee has himself paid such medical expenses, he may claim reimbursement from the employer. The daily rates of medical expenses payable by an employer pursuant to that section are stipulated in the Third Schedule to ECO.

3. The fees structure for public health care services has recently been revised. The new increased fees will become effective on 1 April 2003. The Administration therefore proposes the revision of the daily rates of medical expenses payable by an employer, so that "an adequate cover for the treatment of injured employees" may be maintained. The amendments will come into operation on a date to be appointed by the SEDL. The Administration intends to appoint 1 April 2003 to be

that date. Members may wish to refer to the briefing paper to the Panel on Manpower (Ref.: CB(2)1188/02-03(04)) on the proposal issued by the Economic Development and Labour Bureau in February.

4. Section 48A of ECO provides that the Legislative Council may by resolution amend the daily rates specified in the Third Schedule to ECO. Thus, the motion is to be moved by the SEDL on 19 March 2003.

Consultation

5. According to the Administration, the Labour Advisory Board was consulted and agreed to the proposed revision.

6. The Panel on Manpower was briefed on 20 February 2003 of the proposed amendments. Members generally supported the proposal but some members had expressed concern about the implications of the proposal on the premium level of employees' compensation insurance.

Conclusion

7. The amendments are technical in nature. No difficulties in the legal or drafting aspects of the proposed resolution or the proposed amendments have been observed.

Prepared by

Kau Kin-wah
Assistant Legal Adviser
Legislative Council Secretariat
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