

立法會
Legislative Council

LC Paper No. CB(4)1480/17-18
(These minutes have been seen
by the Administration)

Ref: CB4/SS/10/17

**Subcommittee on Proposed Resolution
under section 4(5) of the Fatal Accidents Ordinance (Cap. 22)**

**Minutes of the second meeting held on
Tuesday, 19 June 2018, at 9:00 am
in Conference Room 3 of the Legislative Council Complex**

- Members present** : Hon Holden CHOW Ho-ding (Chairman)
Hon Paul TSE Wai-chun, JP
Hon CHAN Chi-chuen
Dr Hon KWOK Ka-ki
Hon POON Siu-ping, BBS, MH
Dr Hon Junius HO Kwan-yiu, JP
Hon HUI Chi-fung
- Members absent** : Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon CHEUNG Kwok-kwan, JP
- Public officers attending** : **Agenda item I**

Department of Justice

Miss LEE Sau-kong
Deputy Solicitor General (Policy Affairs) (Acting)

Ms Adeline WAN
Senior Assistant Solicitor General (Policy Affairs)

Miss Joey MA
Government Counsel

Clerk in attendance : Mr Lemuel WOO
Chief Council Secretary (4)6

Staff in attendance : Mr Alvin CHUI
Assistant Legal Adviser 3

Ms Macy NG
Senior Council Secretary (4)6

Ms Emily LIU
Legislative Assistant (4)6

Action

I. Meeting with the Administration

[File Ref.: LP155/00C, LC Paper Nos. LS62/17-18, CB(3)647/17-18(01), CB(4)1224/17-18(01) and (02)]

Discussion

The Subcommittee deliberated and completed scrutiny of the Proposed Resolution under section 4(5) of the Fatal Accidents Ordinance (Cap. 22) ("Proposed Resolution"). The Subcommittee would not propose any amendment to the Proposed Resolution (index of proceedings in **Annex**).

Follow-up actions to be taken by the Administration

Admin 2. The Administration was requested to provide information on how the classes of recognized dependants entitled to claim for the statutory sum to be awarded as damages for bereavement under the Fatal Accidents Ordinance (Cap. 22) compared with that of similar compensations in overseas jurisdictions.

(Post-meeting note: The supplementary information in English and Chinese versions provided by the Administration was circulated to members via LC Paper No. CB(4)1284/17-18(02) on 21 and 22 June 2018 respectively.)

Legislative timetable

3. Members noted that the Administration planned to give a fresh notice for moving the Proposed Resolution at the Council meeting of 11 July 2018. The deadline for giving notice to move amendments by Members, if any, was 4 July 2018. Members also agreed that the Chairman would give a verbal report of the Subcommittee's deliberations to the House Committee at its meeting on 22 June 2018, followed by the written report.

(Post-meeting note: The written report of the Subcommittee (LC Paper No. CB(4)1332/17-18) was issued to members of the House Committee via LC Paper No. CB(2)1740/17-18 on 3 July 2018.)

4. Mr HUI Chi-fung informed members of his intention to give a fresh notice to move a resolution under section 4(5) of Cap. 22 to increase the bereavement sum from \$150,000 to \$220,000 at the coming Council meeting of 4 or 11 July 2018.

II. Any other business

5. There being no other business, the meeting ended at 10:01 am.

Council Business Division 4
Legislative Council Secretariat
10 August 2018

**Subcommittee on Proposed Resolution
under section 4(5) of the Fatal Accidents Ordinance (Cap. 22)
Minutes of the second meeting held on
Tuesday, 19 June 2018, at 9:00 am
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
Agenda item I – Meeting with the Administration			
000546 – 000902	Chairman Administration	Briefing by the Administration on the proposed resolution under section 4(5) of the Fatal Accidents Ordinance (Cap. 22) ("Proposed Resolution")	
000903 – 001225	Chairman Mr POON Siu-ping Administration	Discussion on the review mechanism of the statutory sum to be awarded as damages for bereavement ("bereavement sum") under Cap. 22 and the number of claimed cases of the bereavement sum	
001226 – 002233	Chairman Dr KWOK Ka-ki Administration	Concerns over the failure of the Administration to timely propose the adjustment of the bereavement sum, criteria to determine the amount and regular review of the bereavement sum, and number of claims	
002234 – 002951	Chairman Mr HUI Chi-fung Administration	Concerns about the failure of the Administration to timely propose the adjustment of the bereavement sum, and number of claims for the bereavement sum	
002952 – 003255	Chairman	The Chairman's request for the Administration to consider the suggestion made by The Law Society of Hong Kong in respect of comprehensive review of the bereavement sum	
003256 – 004527	Chairman Mr CHAN Chi-chuen Administration	Mr CHAN's request for the Administration to provide supplementary information on how the classes of recognized dependants entitled to claim for the bereavement sum under Cap. 22 compared with that of similar compensations in overseas jurisdictions	Administration (paragraph 2 of the minutes refers)
004528 – 005235	Chairman Dr KWOK Ka-ki Administration	Discussion on the level of the bereavement sum compared with that of similar compensations in overseas jurisdictions, the criteria of determining the amount and the review mechanism of the bereavement sum, and the timetable of a comprehensive review.	

Time marker	Speaker	Subject(s)	Action required
005236 – 005609	Chairman Mr HUI Chi-fung Administration	Concern about the review mechanism of the bereavement sum and legislative timetable	
005610 – 005945	Chairman Dr Junius HO Administration	Discussion on the level of the bereavement sum and the review mechanism	
005946 – 010119	Chairman	Decision, based on members' views, that it was not necessary for the Subcommittee to meet with deputations to receive views on the Proposed Resolution	
010120 – 010416	Chairman Administration Mr HUI Chi-fung	Scrutiny of the Proposed Resolution	
010417 – 010506	Chairman	Legislative timetable	
Agenda item II – Any other business			
010507 – 010520	Chairman	Concluding remarks	