

立法會
Legislative Council

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Tel : 3919 3300

Date : 20 May 2020

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 3 June 2020

Proposed resolution under the Fatal Accidents Ordinance

The Secretary for Justice will move the proposed resolution in **Appendix 1** under section 4(5) of the Fatal Accidents Ordinance (Cap. 22) at the above meeting. The President has directed that the proposed resolution be printed in the terms in which it was handed in on the Agenda of the Council.

2. The speech which the Secretary for Justice will deliver when moving the proposed resolution is in **Appendix 2**.

(Dora WAI)
for Clerk to the Legislative Council

Encl.

Fatal Accidents Ordinance

Resolution

(Under section 4(5) of the Fatal Accidents Ordinance (Cap. 22))

Resolved that the Fatal Accidents Ordinance (Cap. 22) be amended as set out in the Schedule.

Schedule

Amendment to Fatal Accidents Ordinance

1. Section 4 amended (bereavement)

Section 4(3)—

Repeal

“\$220,000”

Substitute

“\$231,000”.

**Speech of the Secretary for Justice
Hon. Teresa Cheng, SC
at the Legislative Council on 3 June 2020**

**to Move the Resolution
under the Fatal Accidents Ordinance (Cap. 22)**

Mr. President,

I move that the resolution, as printed on the Agenda, be passed.

2. The purpose of this resolution is to increase the statutory sum of damages for bereavement (hereinafter referred as “**bereavement sum**”) under section 4(3) of the Fatal Accidents Ordinance (Cap. 22) (hereinafter referred as “**the Ordinance**”) from \$220,000 to \$231,000.

3. The Ordinance was enacted in 1986. It allows an action for damages to be brought against a person for the benefit of the dependants of the deceased in respect of that person’s wrongful act, neglect or default which has caused the death of the deceased. An action under the Ordinance may include a claim for damages for bereavement in the sum as prescribed in section 4(3). Section 4(5) of the Ordinance provides that the Legislative Council may by resolution vary the sum. Since the enactment of the Ordinance, the bereavement sum was adjusted upward three times respectively in 1991, 1997 and 2018. The current sum was adjusted to \$220,000 in the last review exercise in 2018.

4. In 1997, the then Attorney General undertook to review the statutory bereavement sum biennially to reflect inflation. In the last review exercise in 2018, the Government renewed its commitment to review the bereavement sum every two years to take into account inflation by making reference to the Consumer Price Index (A) (“CPI(A)”). The present cycle of biennial review takes into account the cumulative inflation from March 2018 to March 2020 (hereinafter referred as “**reference period**”) by making reference to the CPI(A).

5. The cumulative rate of change of CPI(A) during the reference period was 5.0%. The Government proposes today’s resolution to make a commensurate increase for the bereavement sum from \$220,000 to \$231,000 to reflect the cumulative inflation as measured by CPI(A) over the reference period. Upon passage, the resolution would take effect from the date of its publication in the Gazette.

6. The Legislative Council Panel on Administration of Justice and Legal Services, The Law Society of Hong Kong, the Hong Kong Bar Association and the Hong Kong Federation of Insurers have been informed of the outcome of the present biennial review and the Government’s proposal to move today’s motion.

7. On a separate note, in the run up to and during the last review exercise in 2018, there were suggestions that in addition to the biennial review of the bereavement sum by making reference to the CPI(A), there

should also be a comprehensive review of the manner in which the bereavement sum should be set to take into account factors other than inflation. The Government is keeping an open mind in carefully studying the views from stakeholders and will continue to engage them with regard to the way forward. This is, however, a separate and continuing exercise which should not affect the current biennial review exercise to reflect cumulative inflation by making reference to the CPI(A).

8. With the above remarks, I urge Members to support the motion.