

A BILL

To

Amend the Employees' Compensation Ordinance to provide that an accident that happens to an employee when the employee is travelling between the employee's place of residence and place of work within the period specified in an extreme conditions announcement is deemed to arise out of and in the course of the employee's employment, as in the case where the employee so travels within the duration of a gale warning or rainstorm warning (as provided in the Ordinance).

Enacted by the Legislative Council.

1. Short title and commencement

- (1) This Ordinance may be cited as the Employees' Compensation (Amendment) Ordinance 2021.
- (2) This Ordinance comes into operation on a day to be appointed by the Secretary for Labour and Welfare by notice published in the Gazette.

2. Employees' Compensation Ordinance amended

The Employees' Compensation Ordinance (Cap. 282) is amended as set out in section 3.

3. **Section 5 amended (employer's liability for compensation for death or incapacity resulting from accident)**

(1) Section 5(4)(f)—

Repeal

“, or of a rainstorm warning”

Substitute

“or rainstorm warning, or within the period (including any extended period) during which extreme conditions exist as specified in an extreme conditions announcement”.

(2) After section 5(4)(f)(B)—

Add

“(C) *extreme conditions announcement* (極端情況公布) means an announcement made by the Chief Secretary for Administration stating the existence of extreme conditions that arise from a super typhoon or other natural disaster of a substantial scale during the period (including any extended period) specified in the announcement;

(D) *super typhoon* (超強颱風) means a typhoon that has a maximum sustained wind speed of 185 km/h or above near its centre;”.

Explanatory Memorandum

Under the Employees' Compensation Ordinance (Cap. 282) (*Ordinance*), employers are liable to pay compensation to employees who suffer personal injury by accident arising out of and in the course of their employment.

2. The main object of this Bill is to amend the Ordinance to provide that an accident that happens to an employee when the employee is travelling between the employee's place of residence and place of work within the period (including any extended period) specified in an extreme conditions announcement is deemed to arise out of and in the course of the employee's employment, as in the case where the employee so travels within the duration of a gale warning or rainstorm warning (as provided in section 5(4)(f) of the Ordinance).
3. Clause 1 sets out the short title and provides for commencement.
4. Clause 3 amends section 5(4)(f) of the Ordinance to add the reference to "extreme conditions announcement" to implement the object mentioned in paragraph 2. The clause also adds the definitions of *extreme conditions announcement* and *super typhoon* to that section.