

L.N. 145 of 2022

## Protection of Wages on Insolvency Ordinance

### Resolution of the Legislative Council

Resolution made and passed by the Legislative Council under section 16(3) and (3A) of the Protection of Wages on Insolvency Ordinance (Cap. 380) on 16 June 2022.

**Resolved that—**

- (a) the Protection of Wages on Insolvency Ordinance (Cap. 380) be amended as set out in the Schedule;
  - (b) the Ordinance as amended by this Resolution does not apply in respect of any of the payments specified in paragraph (d) the liability for payment of which arose before the date on which this Resolution is published in the Gazette (*effective date*);
  - (c) the Ordinance as in force immediately before the effective date applies in respect of any of the payments specified in paragraph (d) the liability for payment of which arose before the effective date as if this Resolution had not been made and passed; and
  - (d) the payments specified for the purposes of paragraphs (b) and (c) are—
    - (i) wages;
    - (ii) wages in lieu of notice;
    - (iii) a severance payment;
    - (iv) pay for untaken statutory holidays; and
    - (v) pay for untaken annual leave.
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## Schedule

### Amendments to Protection of Wages on Insolvency Ordinance

1. **Section 16 amended (payment)**

(1) Section 16(2)(b)—

**Repeal**

“36,000”

**Substitute**

“80,000”.

(2) Section 16(2)(e)(i)(B)—

**Repeal**

“22,500”

**Substitute**

“45,000”.

(3) Section 16(2)(f)(i)—

**Repeal**

“50,000” (wherever appearing)

**Substitute**

“100,000”.

(4) Section 16(2)(g)(iii)(B)—

**Repeal**

“10,500”

**Substitute**

“26,000”.

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(5) Section 16(2)(h)(ii)—

**Repeal**

“10,500”

**Substitute**

“26,000”.

(6) Section 16(2)(i)—

**Repeal**

“10,500”

**Substitute**

“26,000”.

Kenneth CHEN Wei-on  
Clerk to the Legislative Council

16 June 2022

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### Explanatory Note

The Protection of Wages on Insolvency Ordinance (Cap. 380) (*Ordinance*) provides for an ex gratia payment in respect of the following payments (*relevant payments*) that may be made out of the Protection of Wages on Insolvency Fund (*Fund*) to an employee whose employer becomes insolvent—

- (a) wages;
- (b) wages in lieu of notice;
- (c) a severance payment;
- (d) pay for untaken statutory holidays;
- (e) pay for untaken annual leave.

2. Section 16(2) of the Ordinance specifies the maximum amounts of the relevant payments that may be made out of the Fund. This Resolution amends that section to increase those maximum amounts.