

L.N. 133 of 2001

Administrative Appeals Board (Witnesses'  
Allowances) Rules

(Made by the Chairman of the Administrative Appeals Board under  
section 30 of the Administrative Appeals Board  
Ordinance (Cap. 442) with the prior  
approval of the Chief Justice)

1. Commencement

These Rules shall come into operation on a day to be appointed by the Director of Administration by notice published in the Gazette.

2. Interpretation

In these Rules, unless the context otherwise requires---  
"witness" (證人) means a witness summoned under the Ordinance but does not include a public officer acting in the course of his duties.

3. Application for payment of witnesses'  
allowances

(1) Subject to subrule (2), where a witness attends the hearing of an appeal to give evidence (including professional or expert evidence) or to produce documents, the witness may apply---

(a) in writing to the Secretary; or

(b) orally to the Board during the hearing of the appeal,  
for payment of an allowance referred to in rule 4.

(2) An application under subrule (1) shall be made within 14 days beginning with the day on which the witness attends the hearing of an appeal, and in the case where he attends the hearing in respect of the same appeal for more than one day, the last of those days.

4. Allowances for witnesses

The Board may, upon an application under rule 3 or on its own motion, allow in respect of a witness a professional witness allowance, expert witness allowance or loss allowance, as the case may be, not exceeding the professional witness allowance, expert witness allowance or loss allowance that a magistrate may allow under the Criminal Procedure (Witnesses' Allowances) Rules (Cap. 221 sub. leg.) in respect of a witness who attends to give evidence in criminal proceedings.

5. Allowance to be claimed within 3 months

Any sum allowed under these Rules shall cease to be payable unless claimed within 3 months from the date on which it was allowed.

6. Transitional

Where the Board had, before the commencement of these Rules, agreed to pay an

allowance to a witness under section 21(1)(1) of the Ordinance, the Board shall upon the commencement of these Rules allow in respect of that witness a professional witness allowance, expert witness allowance or loss allowance, as the case may be, not exceeding the professional witness allowance, expert witness allowance or loss allowance that a magistrate may allow under the Criminal Procedure (Witnesses' Allowances) Rules (Cap. 221 sub. leg.) in respect of a witness who attends to give evidence in criminal proceedings.

Approved this 5th day of June 2001.

Andrew LI

Chief Justice

Made this 5th day of June 2001.

Peter Cheung

Chairman,

Administrative Appeals Board

Explanatory Note

These Rules provide for the payment of allowances to witnesses summoned to appear before the Administrative Appeals Board to give evidence or to produce documents.