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8 March 2002

Mrs Percy Ma
Clerk to LegCo Panel on AJLS
Legislative Council
Legislative Council Building
8 Jackson Road
Central, Hong Kong

**Competence and Compellability of Spouses in Criminal Proceedings
Evidence (Miscellaneous Provisions) Bill 2002**

At the meeting of the AJLS Panel on 25 February 2002, the Administration further briefed Honourable Members on the proposed legislation to implement the recommendations of the Law Reform Commission on the competence and compellability of spouses in criminal proceedings. A copy of the draft Bill, which has been forwarded to the Bar and Law Society, is now attached for the information of the Honourable Members.

As I told the Panel at the last meeting, with a view to addressing the concern of some of the respondents in the public consultation and of some Honourable Members (i.e. compelling the spouse of the accused to testify for the prosecution may have an adverse effect on the institution of marriage), the Administration further proposes to add to the draft Bill an exemption provision (the proposed section 57A of the Criminal Procedure Ordinance (Cap. 221)). The court is given the discretion to exempt the spouse from giving evidence for the prosecution or on behalf of the co-accused. As the Panel has been advised, the exemption provision is based on Australian legislation.

I am most grateful to the Chairperson and Honourable Members of the Panel for their views and general support. The Administration intends to introduce the Bill to LegCo on 15 May this year.

(Stephen Kai-yi Wong)
Deputy Solicitor-General

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