

Legislative Council
Panel on Administration of Justice and Legal Services
Allowances for Jurors and Witnesses

Purpose

This paper informs Members of the proposed revision to the rates of allowances for jurors and witnesses. The proposed revision requires to be effected by amendments to the following legislation:

- (a) Allowances to Jurors Order under the Jury Ordinance, Cap. 3;
- (b) Criminal Procedure (Witnesses' Allowances) Rules ("CP(WA)R") under the Criminal Procedure Ordinance, Cap. 221; and
- (c) Coroners (Witnesses' Allowances) Rules ("C(WA)R") under the Coroners Ordinance, Cap. 504.

Proposed Revision

2. At its meeting on 15 October 1993, the Finance Committee of the Legislative Council agreed that the former Secretary for the Treasury (now the Secretary for Financial Services and the Treasury) of the Administration should be delegated the authority to approve future changes in the rates of allowances in accordance with the following adjustment indicators:

- (a) Jurors and ordinary witnesses in accordance with movements in the median monthly earnings of employees ("MMEE") in Hong Kong; and
- (b) Professional and expert witnesses in accordance with changes in the mid-point salary of a Medical and Health Officer ("MHO").

3. The present allowance rates (please refer to column (b) in the table in paragraph 4 below) have remained unchanged since 1996. The various biennial reviews conducted since then have not recommended any rate adjustment largely because of either the austerity drive undertaken by the Government then or the review results suggesting a negligible increase or even a downward adjustment. The one in 2004-05 had indicated an increase but in the event the necessary legislative amendments had not been effected in time. As the next review was then already due, the opportunity was taken to stock-take the situation in one go.

4. In the latest review conducted early this year, taking into account that no adjustment has been made to the rates since 1996 and that there is a need to maintain the real value of the rates to minimise any financial loss suffered by members of the public testifying as witnesses or serving as jurors in courts, the Judiciary Administration has proposed to revise the rates based on the movement of the adjustment indicators in paragraph 2 above between the first quarter of 1995¹ and the final quarter of 2007. The proposed rates which have been approved by the Administration under delegated authority are set out in the following table:

(a) Type of Allowances	(b) Existing Rates	(c) Changes in respective indices	(d) Proposed Rates
1. Jurors	\$280 a day or part of a day	+22.0%	\$340 a day or part of a day
2. Ordinary witnesses	\$280 a day or \$140 a half day	+22.0%	\$340 a day or \$170 a half day
3. Professional and expert witnesses	\$1,690 a day or \$845 a half day	+20.8%	\$2,040 a day or \$1,020 a half day

¹ In the 1995 review, the present rates were brought up to a level showing the movement of the indices up to the first quarter of 1995.

Financial Implications

5. The Judiciary Administration estimates that the proposed increase in rates of allowances to jurors and witnesses will entail additional recurrent expenditure of about \$1.3 million per annum. This will be met from the approved envelope allocation to the Judiciary.

Implementation

6. The implementation of the proposed revision to the rates requires amendment to the following legislation:

- (a) Allowances to Jurors Order under the Jury Ordinance to be made by the Chief Executive in Council and subject to the negative vetting by the Legislative Council;
- (b) CP(WA)R under the Criminal Procedure Ordinance to be made by the Criminal Procedure Rules Committee and subject to the positive vetting by the Legislative Council; and
- (c) C(WA)R under the Coroners Ordinance to be made by the Chief Justice and subject to the positive vetting by the Legislative Council.

7. The Judiciary Administration would submit the legislative proposals to the Legislative Council in the next legislative session and introduce the new rates as soon as the legislative process is completed.

Future Reviews

8. The next review will be due in early 2010. The Judiciary Administration will conduct this and future reviews and implement the review outcome in a timely manner.

Judiciary Administration
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