

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 legislative amendments as the rates are prescribed in the following –

- (a) Allowances to Jurors Order (“AJO”) (Cap 3A);
- (b) Criminal Procedure (Witnesses’ Allowances) Rules (“CP(WA)R”)(Cap 221B) ; and
- (c) Coroners (Witnesses’ Allowances) Rules (“C(WA)R”) (Cap 504E).

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.

3. The present allowance rates (please refer to column (b) in the table in paragraph 4 below) were set in January 2009 based on the review which took place in 2008. The biennial review conducted in 2010 has not recommended any rate adjustment because the review results indicated either no change or a downward adjustment.

4. Following the latest review conducted in 2012 and after, taking into account that no adjustment has been made to the rates in 2010 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 serving as jurors or testifying as witnesses in courts, the Judiciary Administration proposes to revise the rates based on the movement of the adjustment indicators in paragraph 2 above between the second quarter of 2008 and the fourth quarter of 2011. 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	\$360 a day or part of a day	+14.3%	\$410 a day or part of a day
2. Ordinary witnesses	\$360 a day or \$180 not exceeding four hours	+14.3%	\$410 a day or \$205 not exceeding four hours
3. Professional and expert witnesses	\$2,170 a day or \$1,085 not exceeding four hours	+3.1%	\$2,240 a day or \$1,120 not exceeding four hours

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 \$0.96 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 pieces of legislation –

- (a) AJO, to be made by the Chief Executive in Council and subject to the negative vetting by the Legislative Council;
- (b) CP(WA)R, to be made by the Criminal Procedure Rules Committee and subject to the positive vetting by the Legislative Council; and
- (c) C(WA)R, 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 2014. The Judiciary Administration will conduct the review and implement as appropriate the review outcome in a timely manner.

Judiciary Administration
June 2012