

## **Criminal Procedure (Witnesses' Allowances) (Amendment) Rules 2012**

(Made by the Criminal Procedure Rules Committee under section 9B of the Criminal Procedure Ordinance (Cap. 221) subject to the approval of the Legislative Council)

### **1. Commencement**

These Rules come into operation on a day to be appointed by the Chief Justice by notice published in the Gazette.

### **2. Criminal Procedure (Witnesses' Allowances) Rules amended**

The Criminal Procedure (Witnesses' Allowances) Rules (Cap. 221 sub. leg. B) are amended as set out in rules 3, 4 and 5.

### **3. Rule 3 amended (allowances for professional witnesses)**

#### **(1) Rule 3(1)—**

##### **Repeal**

everything after “not exceeding”

##### **Substitute**

“\$2,355 for each day the witness is necessarily absent from the witness’s place of residence or practice to attend for such purpose.”.

#### **(2) Rule 3(2)—**

##### **Repeal**

everything after “during which”

##### **Substitute**

“the witness is necessarily absent from the witness’s place of residence or practice to attend for such purpose does not

exceed 4 hours, the professional witness allowance must not exceed \$1,175.”.

### **4. Rule 4 amended (allowances for expert witnesses)**

#### **(1) Rule 4(1)—**

##### **Repeal**

everything after “not exceeding”

##### **Substitute**

“\$2,355 for each day the witness is necessarily absent from the witness’s place of residence, business or employment to attend for such purpose.”.

#### **(2) Rule 4(2)—**

##### **Repeal**

everything after “during which”

##### **Substitute**

“the witness is necessarily absent from the witness’s place of residence, business or employment to attend for such purpose does not exceed 4 hours, the expert witness allowance must not exceed \$1,175.”.

### **5. Rule 5 amended (allowances for loss of remuneration or expenses incurred)**

#### **(1) Rule 5(1)—**

##### **Repeal**

everything after “to which”

##### **Substitute**

“the witness would not otherwise have been subject, a loss allowance not exceeding \$410 for each day of attendance, in respect of that loss or expense.”.

(2) Rule 5(2)—

**Repeal**

everything after “absent from”

**Substitute**

“the witness’s place of residence, business or employment to attend to give evidence does not exceed 4 hours, the witness’s loss allowance must not exceed \$205.”.

Made this 26th day of October 2012.

The Hon. Mr. Justice CHEUNG  
Chief Judge of the High Court

The Hon. Mr. Justice LUNN J.A.

The Hon. Mrs. Justice BARNES

Selwyn YU, S.C.

Kenneth NG Hung-sui

William TAM Yiu-ho

Allan CHAN Wing-cho

Andy HO Chi-yin  
Secretary

**Explanatory Note**

These Rules amend the Criminal Procedure (Witnesses' Allowances) Rules (Cap. 221 sub. leg. B) to increase the maximum rates of allowances that may be allowed in respect of the following classes of witnesses in criminal proceedings before any court—

- (a) a witness practising any of the specified professions and attending to give professional evidence;
- (b) an expert witness attending to give expert evidence;
- (c) a witness attending to give evidence (other than professional or expert evidence).