

立法會
Legislative Council

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Tel : 3919 3300

Date : 5 February 2015

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 18 March 2015

Proposed resolution under the Criminal Procedure Ordinance

The Chief Secretary for Administration will move, at the Council meeting of 18 March 2015, a proposed resolution under section 9B of the Criminal Procedure Ordinance (Cap. 221). The proposed resolution is attached for Members' consideration. The President has directed that it be printed in the terms in which it was handed in on the Agenda of the Council.

2. The speech, in both Chinese and English, which the Chief Secretary for Administration will deliver when moving the proposed resolution is also attached.

(Odelia LEUNG)
for Clerk to the Legislative Council

Encl.

Criminal Procedure Ordinance

Resolution

(Under section 9B of the Criminal Procedure Ordinance (Cap. 221))

Resolved that the Criminal Procedure (Witnesses' Allowances) (Amendment) Rules 2015, made by the Criminal Procedure Rules Committee on 13 January 2015, be approved.

Criminal Procedure (Witnesses' Allowances) (Amendment) Rules 2015

(Made by the Criminal Procedure Rules Committee under section 9B of the
Criminal Procedure Ordinance (Cap. 221) with 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

“\$2,355”

Substitute

“\$2,415”.

(2) Rule 3(2)—

Repeal

“\$1,175”

Substitute

“\$1,205”.

4. Rule 4 amended (allowances for expert witnesses)

(1) Rule 4(1)—

Repeal

“\$2,355”

Substitute

“\$2,415”.

(2) Rule 4(2)—

Repeal

“\$1,175”

Substitute

“\$1,205”.

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

(1) Rule 5(1)—

Repeal

“\$410”

Substitute

“\$445”.

(2) Rule 5(2)—

Repeal

“\$205”

Substitute

“\$220”.

Made this 13th day of January 2015.

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

The Hon. Mr. Justice LUNN, V.P.

The Hon. Mrs. Justice BARNES

Andy HO
Senior Deputy Registrar, High Court

Selwyn YU, S.C.

Kenneth NG

William TAM

Ms Juliana OY CHAN

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 paid in respect of each of the following classes of witnesses in criminal proceedings before any court—

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

(Translation)

**Speech by the Chief Secretary for Administration
at the meeting of the Legislative Council on 18 March 2015**

Criminal Procedure Ordinance (Cap. 221)

Criminal Procedure (Witnesses' Allowances) (Amendment) Rules 2015

Mr President,

I move that the First Resolution standing in my name on the Agenda be passed. This motion aims to seek the approval of the Legislative Council for the Criminal Procedure (Witnesses' Allowances) (Amendment) Rules 2015 made by the Criminal Procedure Rules Committee under section 9B of the Criminal Procedure Ordinance.

2. At present, the maximum allowance payable to ordinary witnesses in criminal proceedings is \$410 for each day of attendance or \$205 for not exceeding four hours of attendance. The maximum allowance for professional or expert witnesses is higher, at \$2,355 for each day of attendance or \$1,175 for not exceeding four hours of attendance.

3. Under the adjustment mechanism approved by the Finance Committee of the Legislative Council, changes to the rate of allowance for ordinary witnesses would be made in accordance with the movements in the Median Monthly Employment Earnings of Employees (MMEE) in Hong Kong while those for professional or expert witnesses would be made in accordance with the changes in the mid-point salary of a Government Medical and Health Officer. The Finance Committee also delegated the authority to approve the relevant adjustments to the Secretary for Financial Services and the Treasury (SFST).

4. The existing rates of allowances were set in 2013 based on the biennial review conducted in 2012. The Judiciary Administration (JA) reviewed the rates of allowances in 2014. Taking into account the movements in the MMEE and the mid-point salary of a Government Medical and Health Officer from the second quarter of 2012 to the third quarter of 2014 as at December 2014, the JA proposed and SFST

(Translation)

approved to increase the maximum rate of allowance for ordinary witnesses from \$410 to \$445 for each day of attendance and from \$205 to \$220 for not exceeding four hours of attendance. For professional or expert witnesses, the maximum rate of allowance would be increased from \$2,355 to \$2,415 for each day of attendance and from \$1,175 to \$1,205 for not exceeding four hours of attendance. These adjustments aim to maintain the real value of the rates of allowances to minimise any financial loss suffered by members of the public testifying as witnesses in courts.

5. The Criminal Procedure (Witnesses' Allowances) (Amendment) Rules 2015 seeks to implement the new rates of allowances. I invite Members to approve the Resolution. Thank you.