

**立法會**  
***Legislative Council***

LC Paper No. LS38/14-15

**Paper for the House Committee Meeting  
on 27 February 2015**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 6 February 2015**

**Tabling in LegCo** : Council meeting of 11 February 2015

**Amendment to be made by:** Council meeting of 25 February 2015 (or 15 April 2015 if extended by resolution)

**Allowances to Jurors (Amendment) Order 2015** (L.N. 29)

Under section 31(1) of the Jury Ordinance (Cap. 3), a person who serves as a juror in any criminal or civil case, or in any inquest under the Coroners Ordinance (Cap. 504), shall be paid an allowance at such rate as the Chief Executive in Council may prescribe by order published in Gazette. Section 31(2) of Cap. 3 further provides that an additional allowance may be paid to a juror if the Chief Justice or the trial judge so orders. Under section 31(3), such additional allowance shall be of such amount as the Chief Justice or the judge may direct, but shall not exceed such rate as the Chief Executive in Council may prescribe.

2. This Order is made by the Chief Executive in Council under section 31 of Cap. 3. It amends the Allowances to Jurors Order (Cap. 3 sub. leg. A) to increase the allowance payable, and the maximum rate of additional allowance that may be paid, to a juror in criminal or civil case or in inquest under the Coroners Ordinance (Cap. 504) from \$410 to \$725 a day (or part of a day).

3. Members may note that the Chief Secretary for Administration has given notice to move, at the Council meeting of 18 March 2015, two proposed resolutions to seek the approval of the Legislative Council for the Criminal Procedure (Witnesses' Allowances) (Amendment) Rules 2015 and the Coroners (Witnesses' Allowances) (Amendment) Rules 2015. The Legal Service Division

will separately report on those two proposed resolutions at the meeting of the House Committee on 27 February 2015.

4. According to the LegCo Brief (File Ref: CSO/ADM/CR 11/3221/97) dated 4 February 2015 issued by the Chief Secretary for Administration's Office and Judiciary Administration (JA), the JA reviewed the current rates of allowances in 2014 following their last revision in 2013. Taking into account the movements in the relevant adjustment indicator<sup>1</sup> from the second quarter of 2012 to the third quarter of 2014, the new rates of allowances were proposed by the JA and approved by the Secretary for Financial Services and the Treasury<sup>2</sup> to maintain the real value of the rates to minimize any financial loss suffered by members of the public serving as jurors.

5. As advised by the Clerk to the Panel on Administration of Justice and Legal Services, at its meeting held on 24 November 2014, the Panel raised no comment on the information paper issued by the JA regarding the proposed revisions to the rates of allowances for jurors and witnesses, on the basis of the movements in the relevant adjustment indicators between the second quarter of 2012 and the second quarter of 2014.

6. This Order comes into operation on a day to be appointed by the Chief Justice by notice published in the Gazette.

**Pharmacy and Poisons (Amendment) Ordinance 2015  
(Commencement) Notice**

**(L.N. 30)**

7. The Pharmacy and Poisons (Amendment) Bill 2014, enacted as the Pharmacy and Poisons (Amendment) Ordinance 2015 (Ord. No. 2 of 2015) (the Ordinance) and published in the Gazette on 30 January 2015, was passed by the Legislative Council on 21 January 2015. Under section 1(2) of the Ordinance, it comes into operation on a day to be appointed by the Secretary for Food and Health (the Secretary) by notice published in the Gazette.

8. By L.N. 30, the Secretary appoints: (a) 6 February 2015 as the day

---

<sup>1</sup> Under the adjustment mechanism approved by the Finance Committee of LegCo, changes to the rates of allowances for jurors are to be made in accordance with the movements in the Median Monthly Employment Earnings of Employees (MMEE) in Hong Kong. As a refinement measure, the MMEE to be adopted has been changed from the overall MMEE basing on the composition of employees aged 15 or above, irrespective of their education level, to a stratified MMEE to cover only employees aged 21 or above and below 65 and with an education level of matriculation or above.

<sup>2</sup> At its meeting on 15 October 1993, the Finance Committee agreed that the former Secretary for the Treasury (now the Secretary for Financial Services and the Treasury) should be delegated the authority to approve future changes in the rates of allowances for jurors.

on which the Ordinance (except sections 21, 37 and 68) comes into operation; and (b) 5 August 2016 as the day on which sections 21, 37 and 68<sup>3</sup> of the Ordinance come into operation.

9. The Ordinance amends the Pharmacy and Poisons Ordinance and related Regulations to implement certain recommendations in the Report of the Review Committee on Regulation of Pharmaceutical Products in Hong Kong published in December 2009; and to make related, consequential and miscellaneous amendments. Members may refer to the report of the Bills Committee on Pharmacy and Poisons (Amendment) Bill 2014 (Bills Committee) (LC Paper No. CB(2)642/14-15) for further details.

10. As advised by the Clerk to the Bills Committee, the Panel on Health Services has not been consulted on L.N. 30. In the course of scrutinizing the Bill, the Administration had advised that the Bill, if enacted, would come into operation on a day to be appointed by the Secretary by notice published in the Gazette. The plan of the Administration was to appoint 30 January 2015 as the commencement date of the Bill (except sections 21, 37 and 68) following the passage of the Bill. The Bills Committee raised no objection to the Administration's plan.

11. No LegCo Brief has been issued in respect of L.N. 30.

12. No difficulties have been identified in the legal and drafting aspects of these two items of subsidiary legislation.

Prepared by

M L CHANG  
Assistant Legal Adviser  
Legislative Council Secretariat  
10 February 2015

---

<sup>3</sup> Sections 21, 37 and 68 relate to the amendments made to the labeling requirements.