

**立法會**  
**Legislative Council**

LC Paper No. LS42/14-15

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

**Legal Service Division Report on  
Proposed Resolutions under  
section 9B of the Criminal Procedure Ordinance (Cap. 221) and  
section 54 of the Coroners Ordinance (Cap. 504)**

The Chief Secretary for Administration has given notice to move, at the Council meeting of 18 March 2015, two proposed resolutions to seek the Legislative Council's approval of the Criminal Procedure (Witnesses' Allowances) (Amendment) Rules 2015 and the Coroners (Witnesses' Allowances) (Amendment) Rules 2015 (collectively referred to as "the Amendment Rules") respectively made by the Criminal Procedure Rules Committee under section 9B of the Criminal Procedure Ordinance (Cap. 221) and the Chief Justice under section 54 of the Coroner's Ordinance (Cap. 504).

2. The maximum rates of allowances payable to witnesses in coroners' inquests under the Coroners (Witnesses' Allowances) Rules (Cap. 504E) are the same as those for witnesses in criminal proceedings under the Criminal Procedure (Witnesses' Allowances) Rules (Cap. 221B). The Amendment Rules seek to increase the rates of allowances payable to witnesses in criminal proceedings and coroners' inquests as follows:

<b>Types of Allowances</b>	<b>Existing Rates</b>	<b>Proposed Rates</b>
Maximum allowance for ordinary witness	\$410 for each day of attendance	\$445 for each day of attendance
	\$205 for not exceeding four hours	\$220 for not exceeding four hours
Maximum allowance for professional or expert witness	\$2,355 for each day of attendance	\$2,415 for each day of attendance
	\$1,175 for not exceeding four hours	\$1,205 for not exceeding four hours

3. 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 the 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 indicators<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 of allowances to minimize any financial loss suffered by members of the public testifying as witnesses in criminal proceedings and coroner's inquests. Members may refer to the LegCo Brief for background information on the proposal.

4. Members may note that the Administration has also made an order under section 31 of the Jury Ordinance (Cap. 3) (i.e. the Allowances to Jurors (Amendment) Order 2015 (L.N. 29) published in the Gazette on 6 February 2015) to increase the rates of allowances payable to jurors. The Legal Service Division's report on L.N. 29 was issued to Members on 12 February 2015 (LC Paper No. LS38/14-15).

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 did not have any comment on the information paper submitted by the JA regarding the proposed revisions to the rates of allowances for jurors and witnesses, on the basis of the movements of the relevant adjustment indicators between the second quarter of 2012 and the second quarter of 2014.

6. If the proposed resolutions are passed, the Amendment Rules will come into operation on a day to be appointed by the Chief Justice by notice published in the Gazette.

7. No difficulties relating to the legal and drafting aspects of these two sets of Amendment Rules have been identified.

Prepared by

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<sup>1</sup> Under the adjustment mechanism approved by the Finance Committee of the LegCo, changes to the rates of allowances for ordinary witnesses are to 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.

<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 witnesses.