

律政司

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24 July 2015

Ms Evelyn Lee
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Legal Service Division
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

via Ms Amy Chan, SASG(GLP)(Ag) *A Chan*

Dear Ms Lee,

Evidence (Miscellaneous Amendments) Ordinance 2003 (“Ordinance”)

1. Live Television Link (Witnesses outside Hong Kong) Rules (L.N. 145)
2. Rules of the High Court (Amendment) (No. 2) Rules 2015 (L.N. 146)
(collectively, as the “Rules”)

Thank you for your letter of 20 July 2015 requesting an explanation for the time taken for the gazettal of L.N. 145 and L.N. 146 since the enactment of Ord. No 23 of 2003.

The Government has been working on the two sets of Rules with a view to bringing the Ordinance into operation as soon as practicable since the enactment of the latter in 2003. However, owing to the technical nature of the Rules, we have revised them quite a number of times over the years after consultation with the relevant parties (including the Judiciary Administrator (“JA”) and the professional bodies). Indeed, our records also show that, since the commencement of the drafting work in 2003, revised draft(s) of the

Rules were prepared every year except in 2005, 2008, 2010 and 2013.-

In 2005, in parallel with the ongoing discussion with JA on the Rules and the preparation of the Statute Law (Miscellaneous Provisions) Bill 2005¹, and with a view to expediting the implementation of the scheme, we focused our efforts in bringing into early operation certain sections of the Ordinance relating to incoming requests for live television link evidence under the Mutual Legal Assistance in Criminal Matters Ordinance (Cap 525). In 2008, although no new draft was prepared, there were continuing exchanges with JA, and their comments were dealt with as soon as practicable. During 2010 and 2011, we were engaged in extensive discussions with the Law Society on their concerns about the Rules. In 2013, we liaised with JA and other enforcement agencies on costs sharing arrangements relating to the use of live television Link at court, as well as mapping out the way forward given the Law Society's objections to the Rules.

Admittedly, the preparation of the Rules has been challenging and taken longer than we have expected amidst competing legislative priorities. Nevertheless, we wish to thank all the parties concerned for their contributions to the captioned matter and we hope to be able to bring the Ordinance and the Rules into operation as soon as practicable.

Yours sincerely,



(Christopher Ng)
Senior Government Counsel
Legal Policy Division

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¹ The Statute Law (Miscellaneous Provisions) Bill 2005 that culminated in the subsequent Statute Law (Miscellaneous Provisions) Ordinance 2005 seeks, inter alia, to amend the new section 79L of the Criminal Procedure Ordinance ("CPO") as originally inserted by the Ordinance so as to transfer the power to make the rules respecting the giving of evidence by way of a live television link under the new Part IIIB of the CPO as inserted by the Ordinance from the Chief Justice to the Chief Judge.