

**LETTERHEAD OF DEPARTMENT OF JUSTICE Legal Policy Division**

本局檔號	Our Ref.	LP/5019/5 IV	15 September, 1998
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電話號碼	Tel. No.	2867 2025	

Mrs. Percy Ma  
Clerk to Bills Committee  
Legislative Council  
Legislative Council Building  
Central

By Fax:2509 9055

via Mr. Michael Scott, SASG

Dear Mrs. Ma,

**Bills Committee on  
Evidence (Amendment) Bill 1998**

I refer to your letter of 10 September 1998 enclosing a copy of a letter from the Chairman of the Bar Law Reform Committee of England and Wales concerning the Civil Evidence Act 1995.

The problem mentioned by the Chairman in his letter above would not happen under the Bill because the Bill would not introduce any provision similar to rule 9 of The Rules of the Supreme Court (Amendment) 1996 (SI 1996 No.3219) to the High Court Rule (Cap. 4 sub. leg.). It appears to us that rule 9 of SI 1996 No.3219 is a belated attempt by the UK Supreme Court Rules Committee to obviate the rigidity of the requirement for a formal hearsay notice under the Civil Evidence Act 1995 and introduce judicial control. This reinforces the LRC's proposal that we should not copy the notice provisions but rather rely on judicial case management and informal notice according to the circumstances of the litigation.

Yours sincerely,

(Ms. Daphne SIU)  
Senior Government Counsel  
Legal Policy Division