

Criminal
CB2/BC/32/98

BY FAX (25099055) AND BY POST

18 May 2000

Ms. Doris Chan
Clerk to Bills Committee
Legislative Council Secretariat
Legislative Council Building,
8 Jackson Road,
Central, Hong Kong.

Dear Ms. Chan,

Bills Committee on Evidence (Amendment) Bill 1999

I refer to my letter dated 18 April 2000.

The Society's Criminal Law & Procedure Committee has carefully reviewed the Administration's proposal under the Evidence (Amendment) Bill in 1996 to firstly, abolish the rule requiring a corroboration warning to be given in respect of sexual offences and secondly, repeal the requirement of corroboration in respect of 7 sexual offences under the Crimes Ordinance.

In considering whether to support the existing legislative amendments, the Committee has considered the following:-

- (1) the variety of sexual offences involved;
- (2) the proposals by the Administration to replace the existing corroboration requirement as a safeguard against an innocent person being convicted;
- (3) the effect of the legislative proposal vis-a-vis the international obligations of Hong Kong as a party to various international conventions.

The Committee appreciates that there are legitimate reasons for reform but are not satisfied that the present legislative proposals provide sufficient safeguards to protect defendants' interests. The Committee has further concerns whether sufficient consideration has been given to the obligations of Hong Kong as a party to various International Conventions./2

The Committee understands that both the United Kingdom and Australia have referred this matter to their respective Law Reform Commissions before taking decisions on whether to abolish the corroboration rule or the requirement to give a warning notice. In the light of the above concerns, the Committee recommends that the matter should be referred to The Law Reform Commission in Hong Kong for a full review of the legislative proposals both in the local and international context.

The Committee supports the retention of the status quo pending a full review of the issue by the Law Reform Commission.

Yours sincerely,

Christine W. S. Chu
Assistant Director of Practitioners Affairs

c.c.: Ms. Agnes Cheung (Senior Government Counsel, Legal Policy Division)