

立法會
Legislative Council

LC Paper No. LS16/08-09

**Paper for the House Committee Meeting
on 21 November 2008**

**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 two proposed resolutions on 3 December 2008 to seek Legislative Council's approval of the Criminal Procedure (Witnesses' Allowance) (Amendment) Rules 2008 and Coroners (Witnesses' Allowance) (Amendment) Rules 2008 (Amendment Rules).

2. The Amendment Rules propose to revise the maximum rates of allowances payable to witnesses in both criminal proceedings and coroners' inquests as follows —

- (a) for ordinary witnesses, from \$280 to \$360 for a day and from \$140 to \$180 for not exceeding 4 hours; and
- (b) for expert/professional witnesses, from \$1,690 to \$2,170 for a day and from \$845 to \$1,085 for not exceeding 4 hours.

3. The rates of allowances payable to ordinary witnesses are the same as those payable to jurors. The current rates were last revised in 1996.

4. According to the Administration, there has been no adjustment since 1996 for reasons such as the Government's austerity drive. The Judiciary Administration (JA) conducted a review earlier this year. Taking into account movements in the movements in —

- (a) the median monthly earnings of employees in Hong Kong from the first quarter of 1995 to the second quarter of 2008; and
- (b) the mid-point salary of a Medical and Health Officer from 1 April 1995 to 1 April 2008;

(collectively as 'Adjustment Indicators')

the new rates of allowances were proposed to maintain the real value of the allowances to minimize any financial loss suffered by members of the public serving as jurors or witnesses in criminal proceedings and coronor's inquests.

5. A corresponding revision made by amendments to the Allowances to Jurors Order (Cap. 3 sub leg. A) has been gazetted on 7 November 2008 (LC Paper No. LS 14/08-09 dated 11 November 2008 refers).

6. For additional information, please refer to LegCo Brief (File Ref: CSO/ADM/CR 11/3221/97(08)) dated 5 November 2008, issued by the Administration Wing, Chief Secretary for Administration's Office and Judiciary Administration.

7. The Panel on Administration of Justice and Legal Services was provided with an information paper (LC Paper No. CB(2)2049/07-08(01)) on the proposed revisions by the JA on 23 May 2008. The Panel did not raise any queries on the paper. The new rates of allowances proposed in that paper have now been revised after taking into account movements in the adjustment indicators since then.

8. The Amendment Rules shall come into operation on a day to be appointed by the Chief Justice by notice published in the Gazette.

9. No difficulties relating to the legal and drafting aspects of the Amendment Rules have been identified.

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14 November 2008