

立法會
Legislative Council

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Tel : 3919 3300

Date : 9 November 2012

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 28 November 2012

**Proposed resolution under
the Coroners Ordinance**

I forward for Members' consideration a proposed resolution which the Chief Secretary for Administration will move at the Council meeting of 28 November 2012 under section 54 of the Coroners Ordinance (Cap. 504). The President has directed that "it be printed in the terms in which it was handed in" on the Agenda of the Council.

2. The speech, in both Chinese and English, which the Chief Secretary for Administration will deliver when moving the proposed resolution is also attached.

(Odelia LEUNG)
for Clerk to the Legislative Council

Encl.

Coroners Ordinance

Resolution

(Under section 54 of the Coroners Ordinance (Cap. 504))

Resolved that the Coroners (Witnesses' Allowances) (Amendment) Rules 2012, made by the Chief Justice on 25 October 2012, be approved.

Coroners (Witnesses' Allowances) (Amendment) Rules 2012

(Made by the Chief Justice under section 54 of the Coroners Ordinance (Cap. 504) subject to the approval of the Legislative Council)

1. Commencement

These Rules come into operation on a day to be appointed by the Chief Justice by notice published in the Gazette.

2. Coroners (Witnesses' Allowances) Rules amended

The Coroners (Witnesses' Allowances) Rules (Cap. 504 sub. leg. E) are amended as set out in rules 3, 4 and 5.

3. Rule 3 amended (allowances for professional witnesses)

(1) Rule 3(1)—

Repeal

everything after “not exceeding”

Substitute

“\$2,355 for each day the witness is necessarily absent from the witness's place of residence or practice to attend for such purpose.”

(2) Rule 3(2)—

Repeal

everything after “during which”

Substitute

“the witness is necessarily absent from the witness's place of residence or practice to attend for such purpose does not

exceed 4 hours, the professional witness allowance must not exceed \$1,175.”

4. Rule 4 amended (allowances for expert witnesses)

(1) Rule 4(1)—

Repeal

everything after “not exceeding”

Substitute

“\$2,355 for each day the witness is necessarily absent from the witness's place of residence, business or employment to attend for such purpose.”

(2) Rule 4(2)—

Repeal

everything after “during which”

Substitute

“the witness is necessarily absent from the witness's place of residence, business or employment to attend for such purpose does not exceed 4 hours, the expert witness allowance must not exceed \$1,175.”

5. Rule 5 amended (allowances for loss of remuneration or expenses incurred)

(1) Rule 5(1)—

Repeal

everything after “to which”

Substitute

“the witness would not otherwise have been subject, a loss allowance not exceeding \$410 for each day of attendance, in respect of that loss or expense.”

(2) Rule 5(2)—

Repeal

everything after “absent from”

Substitute

“the witness’s place of residence, business or employment to attend to give evidence does not exceed 4 hours, the witness’s loss allowance must not exceed \$205.”.



Chief Justice

25th October 2012

Explanatory Note

These Rules amend the Coroners (Witnesses' Allowances) Rules (Cap. 504 sub. leg. E) to increase the maximum rates of allowances that may be allowed in respect of the following classes of witnesses at inquests under the Coroners Ordinance (Cap. 504)—

- (a) a witness practising any of the specified professions and attending to give professional evidence;
- (b) an expert witness attending to give expert evidence;
- (c) a witness attending to give evidence (other than professional or expert evidence).

(Translation)

**Speech by the Chief Secretary for Administration
at the meeting of the Legislative Council of 28 November 2012**

Coroners Ordinance (Cap. 504)

Coroners (Witnesses' Allowances) (Amendment) Rules 2012

Mr President,

I move that the Second Resolution standing in my name on the agenda be passed. This motion aims to seek the approval of the Legislative Council for the Coroners (Witnesses' Allowances) (Amendment) Rules 2012 made by the Chief Justice under section 54 of the Coroners Ordinance.

2. At present, the maximum rates of allowances payable to witnesses in coroners' inquests are the same as those for witnesses in criminal proceedings. The adjustment mechanism approved by the Finance Committee of the Legislative Council is also the same as that for the allowances for witnesses under the Criminal Procedure (Witnesses' Allowances) Rules. Following a review conducted earlier this year, the Judiciary Administration proposes, and the Secretary for Financial Services and the Treasury approves, to increase the maximum rate of allowance for ordinary witnesses from \$360 to \$410 for each day of attendance and from \$180 to \$205 for not exceeding four hours of attendance. For professional or expert witnesses, the maximum rate of allowance would be increased from \$2,170 to \$2,355 for each day of attendance and from \$1,085 to \$1,175 for not exceeding four hours of attendance.

3. The Coroners (Witnesses' Allowances) (Amendment) Rules 2012 seeks to implement the new rates of allowances. I invite Members to approve the Resolution. Thank you.