

立法會
Legislative Council

LC Paper No. CB(3) 372/16-17

Ref. : CB(3)/M/OR

Tel : 3919 3300

Date : 24 February 2017

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 29 March 2017

**Two proposed resolutions to be moved by
the Chief Secretary for Administration**

The Chief Secretary for Administration will move the attached two proposed resolutions under the following two Ordinances at the above meeting:

- (a) Criminal Procedure Ordinance (Cap. 221) (**Appendix 1**);
and
- (b) Coroners Ordinance (Cap. 504) (**Appendix 2**).

The President has directed that the proposed resolutions be printed in the terms in which they were handed in on the Agenda of the Council.

2. The speeches, in both Chinese and English, which the Chief Secretary for Administration will deliver when moving the two proposed resolutions are in **Appendices 3 and 4** respectively.

(Dora WAI)
for Clerk to the Legislative Council

Encl.

Criminal Procedure Ordinance

Resolution

(Under section 9B of the Criminal Procedure Ordinance (Cap. 221))

Resolved that the Criminal Procedure (Witnesses' Allowances) (Amendment) Rules 2017, made by the Criminal Procedure Rules Committee on 10 February 2017, be approved.

Criminal Procedure (Witnesses' Allowances) (Amendment) Rules 2017

(Made by the Criminal Procedure Rules Committee under section 9B of the
Criminal Procedure Ordinance (Cap. 221) with 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. Criminal Procedure (Witnesses' Allowances) Rules amended

The Criminal Procedure (Witnesses' Allowances) Rules (Cap. 221 sub. leg. B) are amended as set out in rules 3, 4 and 5.

3. Rule 3 amended (allowances for professional witnesses)

(1) Rule 3(1)—

Repeal

“\$2,415”

Substitute

“\$2,770”.

(2) Rule 3(2)—

Repeal

“\$1,205”

Substitute

“\$1,385”.

4. Rule 4 amended (allowances for expert witnesses)

(1) Rule 4(1)—

Repeal

“\$2,415”

Substitute

“\$2,770”.

(2) Rule 4(2)—

Repeal

“\$1,205”

Substitute

“\$1,385”.

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

(1) Rule 5(1)—

Repeal

“\$445”

Substitute

“\$515”.

(2) Rule 5(2)—

Repeal

“\$220”

Substitute

“\$255”.

Made this 10th day of February 2017.



The Hon. Mr. Justice CHEUNG
Chief Judge of the High Court



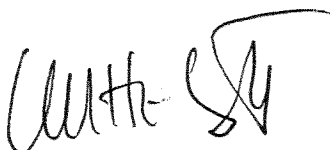
The Hon. Mr. Justice LUNN, V.P.



The Hon. Mrs. Justice BARNES



Andy HO
Senior Deputy Registrar, High Court

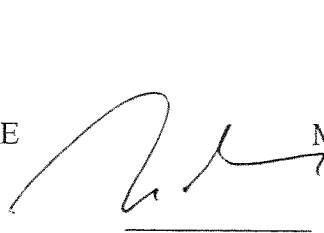


Charlotte DRAYCOTT, S.C.

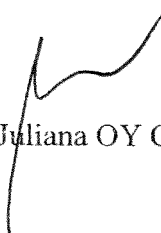


Kenneth NG

Edmond LEE



Ms Juliana OY CHAN



Explanatory Note

These Rules amend the Criminal Procedure (Witnesses' Allowances) Rules (Cap. 221 sub. leg. B) to increase the maximum rates of allowances for the following classes of witnesses in criminal proceedings before any court—

- (a) witnesses practising specific professions and attending to give professional evidence;
- (b) expert witnesses attending to give expert evidence;
- (c) witnesses attending to give evidence (other than professional or expert evidence) and losing remuneration or incurring expenses as a result.

Coroners Ordinance

Resolution

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

Resolved that the Coroners (Witnesses' Allowances) (Amendment) Rules 2017, made by the Chief Justice on 10 February 2017, be approved.

Coroners (Witnesses' Allowances) (Amendment) Rules 2017

(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

“\$2,415”

Substitute

“\$2,770”.

(2) Rule 3(2)—

Repeal

“\$1,205”

Substitute

“\$1,385”.

4. Rule 4 amended (allowances for expert witnesses)

(1) Rule 4(1)—

Repeal

“\$2,415”

Substitute

“\$2,770”.

(2) Rule 4(2)—

Repeal

“\$1,205”

Substitute

“\$1,385”.

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

(1) Rule 5(1)—

Repeal

“\$445”

Substitute

“\$515”.

(2) Rule 5(2)—

Repeal

“\$220”

Substitute

“\$255”.



Chief Justice

10 February 2017

Explanatory Note

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

- (a) witnesses practising specific professions and attending to give professional evidence;
- (b) expert witnesses attending to give expert evidence;
- (c) witnesses attending to give evidence (other than professional or expert evidence) and losing remuneration or incurring expenses as a result.

**Speech by the Chief Secretary for Administration
at the meeting of the Legislative Council on 29 March 2017**

**Criminal Procedure Ordinance (Cap. 221)
Criminal Procedure (Witnesses' Allowances) (Amendment) Rules 2017**

Mr President,

I move that the first Resolution standing in my name on the Agenda be passed. This motion aims to seek the approval of the Legislative Council for the Criminal Procedure (Witnesses' Allowances) (Amendment) Rules 2017 made by the Criminal Procedure Rules Committee under section 9B of the Criminal Procedure Ordinance.

2. At present, the maximum allowance payable to ordinary witnesses in criminal proceedings is \$445 for each day of attendance or \$220 for not exceeding four hours of attendance. The maximum allowance for professional or expert witnesses is higher, at \$2,415 for each day of attendance or \$1,205 for not exceeding four hours of attendance.

3. Under the adjustment mechanism approved by the Finance Committee of the Legislative Council, changes to the rate of allowance for ordinary witnesses would be made in accordance with the movements in the overall Median Monthly Employment Earnings of Employees (MMEE) in Hong Kong while those for professional or expert witnesses would be made in accordance with the changes in the mid-point salary of a Government Medical and Health Officer. The Finance Committee also delegated the authority to approve the relevant adjustments to the Secretary for Financial Services and the Treasury (SFST).

4. The existing rates of allowances were set in 2015 based on the biennial review conducted in 2014. The Judiciary Administration (JA) reviewed the rates of allowances in 2016. Taking into account the movements in the overall MMEE and the mid-point salary of a Government Medical and Health Officer from the third quarter of 2014 to the third quarter of 2016, the JA proposed and SFST approved to increase

(Translation)

the maximum rate of allowance for ordinary witnesses from \$445 to \$515 for each day of attendance and from \$220 to \$255 for not exceeding four hours of attendance. For professional or expert witnesses, the maximum rate of allowance would be increased from \$2,415 to \$2,770 for each day of attendance and from \$1,205 to \$1,385 for not exceeding four hours of attendance. These adjustments aim to maintain the real value of the rates of allowances to minimise any financial loss suffered by members of the public testifying as witnesses in courts.

5. The Criminal Procedure (Witnesses' Allowances) (Amendment) Rules 2017 seek to implement the new rates of allowances. I invite Members to approve the Resolution. Thank you.

(Translation)

**Speech by the Chief Secretary for Administration
at the meeting of the Legislative Council on 29 March 2017**

Coroners Ordinance (Cap. 504)

Coroners (Witnesses' Allowances) (Amendment) Rules 2017

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 2017 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 in 2016, the Judiciary Administration proposed, and the Secretary for Financial Services and the Treasury approved, to increase the maximum rate of allowance for ordinary witnesses from \$445 to \$515 for each day of attendance and from \$220 to \$255 for not exceeding four hours of attendance. For professional or expert witnesses, the maximum rate of allowance would be increased from \$2,415 to \$2,770 for each day of attendance and from \$1,205 to \$1,385 for not exceeding four hours of attendance.

3. The Coroners (Witnesses' Allowances) (Amendment) Rules 2017 seek to implement the new rates of allowances. I invite Members to approve the Resolution. Thank you.