

Bills Committee on Evidence (Amendment) Bill 2018

**List of follow-up actions arising from the discussion
at the meeting on 13 November 2018**

The Administration was requested to:

- (a) provide a consolidated response to the deputations' views and suggestions on the Bill;
- (b) in respect of the condition of necessity under new section 55O, provide examples or case law to illustrate the situations in which new sections 55O(1)(c) and 55O(1)(e) apply and address a member's concern about the admission of hearsay evidence without cross-examination of the declarant in those situations;
- (c) in respect of the recommendations for reforming the hearsay rule in criminal proceedings, provide a comparison between the English model and the New Zealand Law Commission model and the justifications for adopting a modified version of the New Zealand Law Commission model as the proposed model of reform to be adopted in Hong Kong; and
- (d) provide relevant cases in New Zealand jurisdiction demonstrating if there are any difficulties encountered by the local courts in the course of implementing the New Zealand Law Commission model in admitting hearsay evidence, with a view to facilitating members' understanding of the areas requiring particular attention if the modified New Zealand Law Commission model is to be adopted in Hong Kong.

Council Business Division 4
Legislative Council Secretariat
3 December 2018