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Mr Kenneth FOK
Director of Practitioners Affairs
The Law Society of Hong Kong
3/F Wing On House
71 Des Voeux Road Central
Hong Kong

6 July 2020

BY EMAIL & BY POST

Dear Mr FOK,

Evidence (Amendment) Bill 2018 (“The Bill”)

Thank you for your letter of 2 July 2020 on the Bill.

We are deeply grateful to The Law Society of Hong Kong (“the Law Society”) and, in particular, its Criminal Law and Procedure Committee for all the attention and detailed comments offered in support of and refining the legislative reform of the common law rule against hearsay in criminal proceedings.

On a serious matter involving such complex legal rules and procedures, it is all the more important to draw upon the collective knowledge, expertise and experience of important stakeholders including criminal law practitioners.

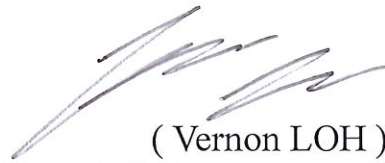
We are pleased that we have come a long way since a decision has been made to implement the recommendations published in 2009 by the Law Reform Commission in full (with appropriate modifications) except for certain topics which require further study and that notice has been given for the second reading of the Bill to resume on 8 July 2020. The proposed legislative provisions as embodied in the Bill and modified by the Government’s proposed committee stage amendments are not only the product of wide and comprehensive consultation but, we believe, also reflect the right balance between sometimes competing considerations even though they all intend to achieve

the overall objectives of both ensuring fairness to all parties involved in the criminal justice system and enhancing efficiency in the administration of justice in order to bring Hong Kong in line with the direction towards which other major common law jurisdictions have been moving.

We trust that the various built-in safeguards in the statutory scheme and the broad discretion of the Court retained in administering justice (including during the sentencing process) would address any remaining concerns which criminal law practitioners may still have.

We would like to once again thank the Law Society for its continuing interest and contribution in this worthy exercise especially when all who are looking forward to the implementation of the reform which is long overdue are working towards the target of having the Bill passed within the remaining term of the Legislative Council before it prorogues on 18 July 2020. We have no doubt that the Law Society will continue to provide useful and constructive feedback once the new law as passed has come into operation.

Yours sincerely,



(Vernon LOH)

Senior Assistant Solicitor General (Policy Affairs) 2 (Ag)

- cc : (1) The Honourable Mr Cheung Kwok-kwan,
Chairman of the Bills Committee of the Legislative Council on the Evidence
(Amendment) Bill 2018
(2) The House Committee of the Legislative Council

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