

**立法會**  
**Legislative Council**

LC Paper No. CB(3) 461/18-19

Ref. : CB(3)/M/OR

Tel : 3919 3300

Date : 18 March 2019

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

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**Council meeting of 20 March 2019**

**Debate and voting arrangements for two proposed resolutions  
to be moved by the Chief Secretary for Administration**

Members have been informed vide LC Paper No. CB(3) 428/18-19 that the Chief Secretary for Administration (“CS”) will move the following two proposed resolutions at the above meeting:

- (a) the proposed resolution under section 9B of the Criminal Procedure Ordinance (Cap. 221) (“the first proposed resolution”); and
- (b) the proposed resolution under section 54 of the Coroners Ordinance (Cap. 504) (“the second proposed resolution”).

The speech which CS will deliver when moving the above proposed resolutions is in the **Appendix**.

2. The two proposed resolutions seek to increase the maximum allowances payable to ordinary witnesses, professional witnesses and expert witnesses in criminal proceedings and coroners’ inquests. To make more effective use of the Council’s time and avoid repetition of arguments, the President has decided that **a joint debate** be held on the proposed resolutions and then they be **voted upon one by one**. Under the following proceedings, the President will:

- (a) first call upon CS to speak and move the first proposed resolution, and then propose the question on the proposed resolution for kicking off the joint debate;
- (b) invite Members to speak;

- (c) call upon CS to reply and order that the debate will come to a close;
- (d) put to vote the question on the first proposed resolution; and
- (e) irrespective of whether the first proposed resolution is passed, invite CS to move the second proposed resolution and forthwith propose and put to vote the question on it.

3. Members are invited to note that each Member may only speak once in the above joint debate and the time limit is 15 minutes. The public officer will not be subject to any speaking time limit.

(Dora WAI)  
for Clerk to the Legislative Council

Encl.

(Translation)

**Speech by the Chief Secretary for Administration  
at the meeting of the Legislative Council on 20 March 2019**

Criminal Procedure Ordinance (Cap. 221)

**Criminal Procedure (Witnesses' Allowances) (Amendment) Rules 2019**

Coroners Ordinance (Cap. 504)

**Coroners (Witnesses' Allowances) (Amendment) Rules 2019**

Mr President,

I move that the first Resolution standing in my name on the Agenda be passed to seek the approval of the Legislative Council for the Criminal Procedure (Witnesses' Allowances) (Amendment) Rules 2019 made by the Criminal Procedure Rules Committee under section 9B of the Criminal Procedure Ordinance. I will also shortly be moving the second Resolution standing in my name be passed to seek the approval of the Legislative Council for the Coroners (Witnesses' Allowances) (Amendment) Rules 2019 made by the Chief Justice under section 54 of the Coroners Ordinance.

2. At present, the maximum allowance payable to ordinary witnesses in criminal proceedings and coroners' inquests is \$515 for each day of attendance or \$255 for not exceeding four hours of attendance. The maximum allowance for professional and expert witnesses is higher, at \$2,770 for each day of attendance or \$1,385 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 and 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 has also delegated the authority to approve the relevant adjustments to the Secretary for Financial Services and the Treasury (SFST).

(Translation)

4. The existing rates of allowances were set in 2017 based on the biennial review conducted in 2016. The Judiciary Administration (JA) reviewed the rates of allowances in 2018. 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 2016 to the third quarter of 2018, the JA proposed and the SFST approved to increase the maximum rate of allowance for ordinary witnesses from \$515 to \$575 for each day of attendance and from \$255 to \$285 for not exceeding four hours of attendance. For professional and expert witnesses, the maximum rate of allowance would be increased from \$2,770 to \$3,065 for each day of attendance and from \$1,385 to \$1,530 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 2019 and the Coroners (Witnesses' Allowances) (Amendment) Rules 2019 seek to implement the new rates of allowances. I invite Members to approve the two Resolutions. Thank you.