

立法會
Legislative Council

LC Paper No. CB(3) 428/18-19

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Tel : 3919 3300

Date : 1 March 2019

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 20 March 2019

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

The Chief Secretary for Administration will move the two proposed resolutions in **Appendices 1 and 2** under the following Ordinances respectively at the above meeting:

- (a) Criminal Procedure Ordinance (Cap. 221); and
- (b) Coroners Ordinance (Cap. 504).

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 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 2019, made by the Criminal Procedure Rules Committee on 19 February 2019, be approved.

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

(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
"\$2,770"
Substitute
"\$3,065".
 - (2) Rule 3(2)—
Repeal
"\$1,385"
Substitute
"\$1,530".
4. **Rule 4 amended (allowances for expert witnesses)**
 - (1) Rule 4(1)—

- (2) Rule 4(2)—
Repeal
"\$1,385"
Substitute
"\$1,530".
5. **Rule 5 amended (allowances for loss of remuneration or expenses incurred)**
 - (1) Rule 5(1)—
Repeal
"\$515"
Substitute
"\$575".
 - (2) Rule 5(2)—
Repeal
"\$255"
Substitute
"\$285".

Made this 19th day of February 2019.

The Hon. Mr. Justice YEUNG
Chief Judge of the High Court
(Acting)

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

The Hon. Mrs. Justice BARNES

Andy HO
Senior Deputy Registrar, High Court

Charlotte DRAYCOTT, S.C.

Eric T M CHEUNG

Jonathan MAN

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 2019, made by the Chief Justice on 19 February 2019, be approved.

Coroners (Witnesses' Allowances) (Amendment) Rules 2019

(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
"\$2,770"
Substitute
"\$3,065".
 - (2) Rule 3(2)—
Repeal
"\$1,385"
Substitute
"\$1,530".
4. **Rule 4 amended (allowances for expert witnesses)**
 - (1) Rule 4(1)—
Repeal

- "\$2,770"
Substitute
"\$3,065".
- (2) Rule 4(2)—
Repeal
"\$1,385"
Substitute
"\$1,530".
 5. **Rule 5 amended (allowances for loss of remuneration or expenses incurred)**
 - (1) Rule 5(1)—
Repeal
"\$515"
Substitute
"\$575".
 - (2) Rule 5(2)—
Repeal
"\$255"
Substitute
"\$285".



Chief Justice

19 February 2019

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.

(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**

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 2019 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 \$515 for each day of attendance or \$255 for not exceeding four hours of attendance. The maximum allowance for professional or 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 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 has 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 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 or 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

(Translation)

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 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 20 March 2019**

Coroners Ordinance (Cap. 504)

Coroners (Witnesses' Allowances) (Amendment) Rules 2019

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 2019 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 2018, 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 \$515 to \$575 for each day of attendance and from \$255 to \$285 for not exceeding four hours of attendance. For professional or 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.

3. The Coroners (Witnesses' Allowances) (Amendment) Rules 2019 seek to implement the new rates of allowances. I invite Members to approve the Resolution. Thank you.