

立法會
Legislative Council

LC Paper No. LS52/18-19

**Paper for the House Committee Meeting
on 15 March 2019**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 1 March 2019**

Tabling in LegCo : Council meeting of 20 March 2019

Amendment to be made by : Council meeting of 17 April 2019 (or that of 8 May 2019 if extended by resolution)

**Control of Obscene and Indecent Articles (Amendment)
Regulation 2019** (L.N. 26)

Allowances to Jurors (Amendment) Order 2019 (L.N. 27)

L.N. 26 and L.N. 27 are made by the Chief Executive in Council under section 46 of the Control of Obscene and Indecent Articles Ordinance (Cap. 390) and section 31 of the Jury Ordinance (Cap. 3) respectively.

2. L.N. 26 amends regulation 4 of the Control of Obscene and Indecent Articles Regulations (Cap. 390A) to increase the fees payable to adjudicators for every day on which they serve as members of the Obscene Articles Tribunal ("OAT") from \$955 to \$990 for not less than half a day and from \$480 to \$495 for less than half a day.

3. L.N. 27 amends section 2 of the Allowances to Jurors Order (Cap. 3A) to increase the rate of allowance and the maximum rate of additional allowance payable to jurors in criminal or civil trials, or inquests under the Coroners Ordinance (Cap. 504), from \$830 to \$875 a day (or part of a day).

4. Members may refer to the Legislative Council ("LegCo") Brief (File Ref: AW-275-015-002) issued by the Administration Wing of the Chief Secretary for Administration's Office and the Judiciary Administration ("JA") on 27 February 2019 for further details of the increases.

5. According to paragraphs 8 and 13 of the LegCo Brief, OAT adjudicators' fees and jurors' allowances are reviewed biennially. The last increases to these fees and allowances came into operation on 3 July 2017 (L.N. 98 and L.N. 99 of 2017).

6. As stated in paragraph 15 of the LegCo Brief, the new fees payable to OAT adjudicators were proposed with reference to the Government's latest ceiling remuneration for non-official members of boards and committees (being \$990 per attendance) which came into effect in August 2018.¹

7. According to paragraph 14 of the LegCo Brief, the new rates of allowances for jurors were proposed after taking into account, among others, the changes in the relevant stratified Median Monthly Employment Earnings of Employees ("SMMEE")² from the third quarter of 2016 to the third quarter of 2018 and the need to maintain the real value of the rates of allowances to minimize any financial loss suffered by members of the public serving as jurors.

8. The Clerk to the Panel on Administration of Justice and Legal Services has advised that at its meeting held on 19 December 2018, the Panel noted JA's paper (LC Paper No. CB(4)324/18-19(01)) on the above revisions to the OAT adjudicators' fees and jurors' allowances, and did not raise any issues.

9. L.N. 26 and L.N. 27 come into operation on a day to be appointed by the Chief Justice by notice published in the Gazette.

Concluding Observations

10. No difficulties have been identified in relation to the legal and drafting aspects of the above items of subsidiary legislation.

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LS/S/21/18-19

¹ According to paragraph 12 of the LegCo Brief, the ceiling remuneration for non-official members of boards and committees is adjusted by the Financial Services and the Treasury Bureau annually under the delegated authority of the Finance Committee of LegCo having regard to the movement of the Consumer Price Index (C).

² According to paragraph 9 of the LegCo Brief, SMME was computed on the basis of the composition of employees who were eligible for being empanelled as jurors, i.e. aged 21 or above and below 65 with education level of matriculation or above, or equivalent.