

**立法會**  
**Legislative Council**

**(issued by email only)**  
LC Paper No. CB(3) 464/20-21

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Tel : 3919 3300

Date : 16 April 2021

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

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**Council meeting of 5 May 2021**

**Two proposed resolutions under  
the Criminal Procedure Ordinance and Coroners Ordinance**

The Chief Secretary for Administration will respectively move the two proposed resolutions in **Appendices 1 and 2** under the Criminal Procedure Ordinance (Cap. 221) and Coroners Ordinance (Cap. 504) at the above meeting. 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.

(Miranda HON)  
for Clerk to the Legislative Council

Encls.

## **Criminal Procedure Ordinance**

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### **Resolution**

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(Under section 9B of the Criminal Procedure Ordinance (Cap. 221))

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**Resolved** that the Criminal Procedure (Witnesses' Allowances) (Amendment) Rules 2021, made by the Criminal Procedure Rules Committee on 1 April 2021, be approved.

## **Criminal Procedure (Witnesses' Allowances) (Amendment) Rules 2021**

(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 1 August 2021.

### **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**

“\$3,065”

#### **Substitute**

“\$3,210”.

(2) Rule 3(2)—

#### **Repeal**

“must not exceed \$1,530”

#### **Substitute**

“for that day must not exceed \$1,600”.

(3) Rule 3(2), Chinese text—

#### **Repeal**

“如該證人不論是在一宗或多於一宗的案件中，於任何一天出庭提供證據”

#### **Substitute**

“如上述證人於任何一天出庭提供證據(不論是在一宗或多於一宗的案件中提供)”。

### **4. Rule 4 amended (allowances for expert witnesses)**

(1) Rule 4(1)—

#### **Repeal**

“\$3,065”

#### **Substitute**

“\$3,210”.

(2) Rule 4(2)—

#### **Repeal**

“must not exceed \$1,530”

#### **Substitute**

“for that day must not exceed \$1,600”.

(3) Rule 4(2), Chinese text—

#### **Repeal**

“如該證人不論是在一宗或多於一宗的案件中，於任何一天出庭提供證據”

#### **Substitute**

“如上述證人於任何一天出庭提供證據(不論是在一宗或多於一宗的案件中提供)”。

### **5. Rule 5 amended (allowances for loss of remuneration or expenses incurred)**

(1) Rule 5(1)—

**Repeal**

“\$575”

**Substitute**

“\$615”.

(2) Rule 5(2)—

**Repeal**

“\$285”

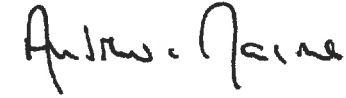
**Substitute**

“\$305”.

Made this 1st day of April 2021.



The Hon. Mr. Justice POON  
Chief Judge of the High Court



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



The Hon. Mrs. Justice BARNES



Andy HO  
Senior Deputy Registrar, High Court



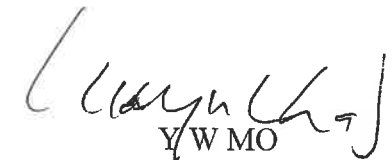
Charlotte DRAYCOTT, S.C.



Eric T M CHEUNG



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### **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—

- (a) witnesses practising specific professions who give professional evidence;
- (b) expert witnesses who give expert evidence;
- (c) witnesses who give evidence (other than professional or expert evidence) and lose remuneration or incur expenses as a result.

**Coroners Ordinance**

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**Resolution**

(Under section 54 of the Coroners Ordinance (Cap. 504))

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**Resolved** that the Coroners (Witnesses' Allowances) (Amendment) Rules 2021, made by the Chief Justice on 1 April 2021, be approved.

## Coroners (Witnesses' Allowances) (Amendment) Rules 2021

(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 1 August 2021.

### 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

“\$3,065”

#### Substitute

“\$3,210”.

(2) Rule 3(2)—

#### Repeal

“must not exceed \$1,530”

#### Substitute

“for that day must not exceed \$1,600”.

### 4. Rule 4 amended (allowances for expert witnesses)

(1) Rule 4(1)—

#### Repeal

“\$3,065”

#### Substitute

“\$3,210”.

(2) Rule 4(2)—

#### Repeal

“must not exceed \$1,530”

#### Substitute

“for that day must not exceed \$1,600”.

### 5. Rule 5 amended (allowances for loss of remuneration or expenses incurred)

(1) Rule 5(1)—

#### Repeal

“\$575”

#### Substitute

“\$615”.

(2) Rule 5(2)—

#### Repeal

everything after “4 hours”

#### Substitute

“on any day of attendance, the witness's loss allowance for that day must not exceed \$305.”.



Chief Justice

1 April 2021

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**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 who give professional evidence;
- (b) expert witnesses who give expert evidence;
- (c) witnesses who give evidence (other than professional or expert evidence) and lose remuneration or incur expenses as a result.



(Translation)

**Speech by the Chief Secretary for Administration  
at the meeting of the Legislative Council on 5 May 2021**

**Criminal Procedure Ordinance (Cap. 221)  
Criminal Procedure (Witnesses' Allowances)(Amendment) Rules 2021**

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 2021 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 \$575 for each day of attendance or \$285 for not exceeding four hours of attendance. The maximum allowance for professional or expert witnesses is higher, at \$3,065 for each day of attendance or \$1,530 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 January 2020 based on the biennial review conducted in 2018. The Judiciary Administration (JA) reviewed the rates of allowances in 2020. 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 2018 to the third quarter of 2020, the JA proposed and the SFST approved to increase the maximum rate of allowance for ordinary witnesses from \$575 to \$615 for each day of attendance and from \$285 to \$305 for not exceeding four hours of attendance. For professional or expert witnesses, the maximum rate of allowance would be increased from \$3,065 to \$3,210 for each day of attendance and from \$1,530 to \$1,600

(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 2021 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 5 May 2021**

Coroners Ordinance (Cap. 504)

**Coroners (Witnesses' Allowances) (Amendment) Rules 2021**

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 2021 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 2020, 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 \$575 to \$615 for each day of attendance and from \$285 to \$305 for not exceeding four hours of attendance. For professional or expert witnesses, the maximum rate of allowance would be increased from \$3,065 to \$3,210 for each day of attendance and from \$1,530 to \$1,600 for not exceeding four hours of attendance.

3. The Coroners (Witnesses' Allowances) (Amendment) Rules 2021 seek to implement the new rates of allowances. I invite Members to approve the Resolution. Thank you.