

**立法會**  
**Legislative Council**

LC Paper No. LS66/20-21

**Paper for the House Committee Meeting  
on 23 April 2021**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 16 April 2021**

**Tabling in LegCo** : Council meeting of 21 April 2021

**Amendment to be made by** : Council meeting of 12 May 2021 (or that of 9 June 2021 if extended by resolution)

**Control of Obscene and Indecent Articles (Amendment)  
Regulation 2021** (L.N. 50)

**Allowances to Jurors (Amendment) Order 2021** (L.N. 51)

L.N. 50 and L.N. 51 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. 50 amends regulation 4 of the Control of Obscene and Indecent Articles Regulations (Cap. 390A) to increase by about 5% the fees payable to adjudicators for every day on which they serve as members of the Obscene Articles Tribunal ("OAT") from \$990 to \$1,035 for not less than half a day and from \$495 to \$520 for less than half a day.

3. L.N. 51 amends section 2 of the Allowances to Jurors Order (Cap. 3A) to increase by 6.3% 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 \$875 to \$930 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 14 April 2021 for further details of the increases.

5. According to paragraphs 8 and 13 of the LegCo Brief, jurors' allowances and OAT adjudicators' fees are reviewed biennially. The last increases to these allowances and fees came into operation on 1 January 2020 (L.N. 163 and L.N. 166 of 2019).

6. As stated in paragraphs 12 and 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 \$1,035 per attendance with effect from August 2020) which 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).

7. According to paragraph 14 of the LegCo Brief, the new rates of allowances for jurors were proposed after taking into account the changes in the relevant stratified Median Monthly Employment Earnings of Employees ("SMME")<sup>1</sup> from the third quarter of 2018 to the third quarter of 2020 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. As advised by the Clerk to the Panel on Administration of Justice and Legal Services, the Panel noted at its meeting on 27 January 2021 JA's information paper (LC Paper No. CB(4)402/20-21(01)) on the above revisions to the OAT adjudicators' fees and jurors' allowances. Members of the Panel did not raise any issues on the proposed increases.

9. L.N. 50 and L.N. 51 come into operation on 1 August 2021.

10. No difficulties have been identified in relation to the legal and drafting aspects of L.N. 50 and L.N. 51.

Prepared by

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<sup>1</sup> According to paragraph 9 of the LegCo Brief, SMME was computed on the basis of the composition of employees who fulfilled the requirement of being empanelled as jurors, i.e. aged 21 or above and below 65 with education level of matriculation or above, or equivalent.