

Adjustment of rates of allowances for jurors and witnesses and fees payable to OAT adjudicators

The Government gazetted today (March 1) the Allowances to Jurors (Amendment) Order 2019 and the Control of Obscene and Indecent Articles (Amendment) Regulation 2019, made by the Chief Executive in Council on February 12, to increase the rates of allowances for jurors and the fees payable to adjudicators of the Obscene Articles Tribunal (OAT) respectively. The Order and Regulation will be tabled at the Legislative Council (LegCo) on March 20 for negative vetting.

Separately, on February 19, the Criminal Procedure Rules Committee made the Criminal Procedure (Witnesses' Allowances) (Amendment) Rules 2019 under section 9B of the Criminal Procedure Ordinance, and the Chief Justice of the Court of Final Appeal made the Coroners (Witnesses' Allowances) (Amendment) Rules 2019 under section 54 of the Coroners Ordinance, to increase the rates of allowances for witnesses in criminal proceedings and coroners' inquests respectively. The Government intends to also seek the approval of the LegCo for these two sets of Rules on March 20.

A Government spokesman said, "The increases in the rates of allowances for jurors and witnesses aim at maintaining their real value to minimise any financial loss suffered by members of the public serving as jurors or testifying as witnesses in courts. The proposed rates of allowances are worked out on the basis of the adjustment mechanism approved by the Finance Committee of the LegCo and refined in 2014.

"For the proposed rates of fees payable to adjudicators of the OAT, reference has been drawn to the ceiling of remuneration for non-official members of boards and committees determined by the Government."

In October 1993, when approving the rates of allowances for jurors and witnesses, the LegCo's Finance Committee approved that future changes in the rates of allowances be made in accordance with the movements of the following adjustment indicators:

- (a) rates for jurors and ordinary witnesses – to be made in accordance with the movements in the general Median Monthly Employment Earnings of Employees (MMEE) in Hong Kong; and
- (b) rates for professional and expert witnesses – to be made in accordance with the changes in the mid-point salary of a Medical and Health Officer in Hong Kong as recorded in the Master Pay Scale of the Civil Service Grades, Ranks and Pay Scales.

Upon consideration of the result of the biennial review conducted by the

Judiciary Administration (JA) in 2014, the basis for determining the rates of jurors' allowances was refined to adopt a stratified MMEE computed on the basis of the composition of employees who fulfil the requirement of being empanelled as jurors (i.e. aged 21 or above and below 65 with an education level of matriculation or above, or equivalent).

On the fees payable to adjudicators of the OAT, in the review conducted by the JA in 2016, it was agreed that as adjudicators come from the general public on a voluntary basis and there is no specific requirement on professional expertise and experience, it would be more appropriate to draw reference to the ceiling of remuneration for non-official members of boards and committees determined by the Government in revising the rates. The proposed rates reflect the Government's latest ceiling for remuneration which came into effect in August 2018.

Subject to the completion of the relevant legislative processes, the revised rates of allowances or fees for jurors, witnesses and OAT adjudicators will take effect on a date to be specified by the Chief Justice of the Court of Final Appeal.