

LC: Speech by CS for proposed resolutions under Criminal Procedure Ordinance and Coroners Ordinance

Following is the speech (translated from Chinese) by the Chief Secretary for Administration, Mr Chan Kwok-ki, for the proposed resolutions under the Criminal Procedure Ordinance and the Coroners Ordinance in the Legislative Council today (May 24):

President,

I move that the first Resolution standing in my name on the Agenda be passed to seek the approval of the Legislative Council for the Criminal Procedure (Witnesses' Allowances) (Amendment) Rules 2023 made by the Criminal Procedure Rules Committee under section 9B of the Criminal Procedure Ordinance. I will also shortly be moving the second Resolution standing in my name be passed to seek the approval of the Legislative Council for the Coroners (Witnesses' Allowances) (Amendment) Rules 2023 made by the Chief Justice of the Court of Final Appeal under section 54 of the Coroners Ordinance.

At present, the maximum allowance payable to ordinary witnesses in criminal proceedings and coroners' inquests is \$615 for each day of attendance or \$305 for attendance not exceeding four hours. The maximum allowance for professional and expert witnesses is higher, at \$3,210 for each day of attendance or \$1,600 for attendance not exceeding four hours.

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 and 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).

The existing rates of allowances has been effective since August 2021, set based on the biennial review conducted in 2020. The Judiciary Administration (JA) reviewed the rates of allowances in 2022. Taking into account the movements in the overall MMEE between the third quarter of 2020 and the third quarter of 2022, and the mid-point salary of a Government Medical and Health Officer between April 2020 and April 2022, the JA proposed, and the SFST approved, increases in the maximum rate of allowance for ordinary witnesses from \$615 to \$655 for each day of attendance, and from \$305 to \$325 for attendance not exceeding four hours. For professional and expert witnesses, the maximum rate of allowance would be increased from \$3,210 to \$3,290 for each day of attendance and from \$1,600 to \$1,640 for

attendance not exceeding four hours. 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.

I invite Members to approve the two Resolutions to implement the new rates of allowances. Thank you, President.