

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 Matthew Cheung Kin-chung, for the proposed resolutions under the Criminal Procedure Ordinance and the Coroners Ordinance in the Legislative Council today (March 20):

Acting Madam 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 2019 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 2019 made by the Chief Justice under section 54 of the Coroners Ordinance.

At present, the maximum allowance payable to ordinary witnesses in criminal proceedings and coroners' inquests is \$515 for each day of attendance or \$255 for not exceeding four hours of attendance. The maximum allowance for professional and expert witnesses is higher, at \$2,770 for each day of attendance or \$1,385 for not exceeding four hours of attendance.

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 were set in 2017 based on the biennial review conducted in 2016. The Judiciary Administration (JA) reviewed the rates of allowances in 2018. 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 2016 to the third quarter of 2018, the JA proposed and the SFST approved to increase the maximum rate of allowance for ordinary witnesses from \$515 to \$575 for each day of attendance and from \$255 to \$285 for not exceeding four hours of attendance. For professional and expert witnesses, the maximum rate of allowance would be increased from \$2,770 to \$3,065 for each day of attendance and from \$1,385 to \$1,530 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.

The Criminal Procedure (Witnesses' Allowances) (Amendment) Rules 2019 and the Coroners (Witnesses' Allowances) (Amendment) Rules 2019 seek to implement the new rates of allowances. I invite Members to approve the two Resolutions. Thank you.