

Live Television Link (Witnesses outside Hong Kong) Rules and Rules of High Court (Amendment) (No. 2) Rules 2015 gazetted

The Live Television Link (Witnesses outside Hong Kong) Rules and the Rules of the High Court (Amendment) (No. 2) Rules 2015 were published in the Gazette today (July 3) and will be tabled in the Legislative Council for negative vetting on July 8.

The Rules, which set out the relevant rules for operation of the pending sections of the Evidence (Miscellaneous Amendments) Ordinance 2003 (principal ordinance), relate to the use of live television link in criminal proceedings and will help bring the pending sections into operation as soon as practicable.

At present, the Criminal Procedure Ordinance (Cap 221) does not provide for the taking of evidence from witnesses outside Hong Kong by live television link for the purposes of criminal proceedings in Hong Kong.

Section 17 of the principal ordinance, one of the pending sections, has introduced a new Part IIIB to the Criminal Procedure Ordinance which allows the court to permit a person, other than the defendant, to give evidence for Hong Kong criminal proceedings by way of live television link from a place outside Hong Kong. The Live Television Link (Witnesses outside Hong Kong) Rules set out the procedures in respect of the giving of evidence by way of live television link under Part IIIB.

In addition, there is no general authority at present for Hong Kong courts to give assistance to a court or tribunal outside Hong Kong by ordering the examination of a witness via a live television link before a Hong Kong court for criminal proceedings in such court or tribunal.

The Court of First Instance will be able to give such

assistance when sections 12 to 16 of the principal ordinance come into operation. To this end, the proposals in the Rules of the High Court (Amendment) (No. 2) Rules 2015 set out the procedures for giving such assistance.

The Legislative Council Panel on Administration of Justice and Legal Services was informed of the proposed Rules and the Panel did not raise any objection to the introduction of the Rules to the Legislative Council for negative vetting.

Ends/Friday, July 3, 2015