

# \$90-a-day jury fee challenged in High Court

BY TERRY PORTER

**F**OR the first time in more than two decades, jury fees are under examination following a ground breaking challenge by two jurors who say the \$90 a day they were paid for a three-month trial was not enough.

The High Court challenge will result in a landmark judgment on a topic which a High Court judge said judges and lawyers alike had ignored since the \$90-a-day fees were set in 1971.

Despite rampant inflation in the past 20 years and soaring wages as well as a growing trend towards longer trials, the fees have remained unchanged.

Justice Woo Kwok-hing said he could find no law on the issue in Hongkong or Britain and his judgment will be the first judicial examination of the topic.

The challenge to the fees was launched by members of a jury which heard a three-month manslaughter trial beginning in April.

Two women members of the jury yesterday appeared without lawyers before Justice Woo to argue they should be entitled to more than the set \$90 a day for their service to the community.

They said they had been inspired to take action after talking to friends who sat on a

trial of similar length and were awarded twice the set fee by a judge using his discretion. In cases of special hardship, judges can award an increased fee up to an extra \$90 and there have been several instances of this in cases of long duration.

One of the women said she had had to forego a pay rise which should have followed three months of service at her employment at a cost of \$500 a month.

The other said an offer of a new job had been withdrawn when the trial had lasted more than the four weeks her new employer had agreed to hold the position open for. That, she said, cost her \$2,800 a month.

Both said they had extra expenses through having to pay for lunches and dinners as they could not go home or take advantage of subsidised canteens at work.

And, they said, being part of a jury they had felt obliged to join in when other jurors suggested going out for lunch to places where a meal could cost \$100 or more.

Justice Woo said, despite inflation, the fees had not been changed in more than 20 years, but he said that was a matter for the legislature not the courts.

Justice Woo said he would hand down a written judgment on a date to be announced.