

Chapter:	504	CORONERS ORDINANCE	Gazette Number	Version Date
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		Long title	L.N. 211 of 1998	04/05/1998
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An Ordinance to make provision for the appointment, duties and powers of coroners, for the reporting of certain deaths, for the duties of registered medical practitioners in connection with dead bodies, for matters preliminary to inquests, for matters relating to inquests, and for matters incidental thereto or connected therewith.

[4 May 1998] *L.N. 211 of 1998*

(Originally 27 of 1997)

Part:	I	PRELIMINARY	L.N. 211 of 1998	04/05/1998
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Section:	1	Short title	L.N. 211 of 1998	04/05/1998
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- (1) This Ordinance may be cited as the Coroners Ordinance.
- (2) (Omitted as spent)

Section:	2	Interpretation	L.N. 172 of 1999	05/07/1999
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In this Ordinance, unless the context otherwise requires-

- "autopsy" (屍體剖驗) means an autopsy ordered to be performed under section 6(1);
- "cause" (導致、原因), in relation to the death of a person, includes to precipitate or contribute to, whether directly or indirectly, the death;
- "certificate of the cause of death" (死因證明書) means Form 18 in the Second Schedule to the Births and Deaths Registration Ordinance (Cap 174);
- "certificate of the fact of death" (死亡事實證明書) means a certificate referred to in section 41(1);
- "clear day" (整日) means a day other than a public holiday or a gale warning day within the meaning of section 2 of the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap 62);
- "coroner" (死因裁判官) means a person appointed under section 3(1) to be a coroner;
- "deputy coroner" (暫委死因裁判官) means a person appointed under section 3A to be a deputy coroner; (Added 21 of 1999 s. 18)
- "discharge" (履行), in relation to a duty, includes perform;
- "duty" (責任) includes a function;
- "findings" (裁斷), in relation to an inquest, means the matters referred to in section 27 in so far as they have been ascertained at the inquest;
- "inquest" (研訊) means an inquest into the death of a person held by a coroner, with or without a jury, under this Ordinance;
- "official custody" (官方看管) means detention, whether or not lawful, in-
- (a) the custody of a police officer or officer of the Correctional Services Department;
 - (b) the custody of any other person having statutory powers of arrest or detention;
 - (c) a reformatory school or remand home under the management, control or administration of the Director of Social Welfare in consequence of a detention or committal order;
 - (d) a place of refuge under section 35(1)(a) of the Protection of Children and Juveniles Ordinance (Cap 213);
 - (e) a mental hospital within the meaning of the Mental Health Ordinance (Cap 136), and includes custody in such a hospital; or
 - (f) the guardianship of a person (including the Director of Social Welfare) pursuant to Part IIIA or IVB of the Mental Health Ordinance (Cap 136); (Amended 81 of 1997 s. 59)

"pre-inquest review" (研訊前檢討) means a pre-inquest review conducted under section 11;

"prescribed mortuary" (訂明的殮房) means a place set apart under section 5(1)(a) for the reception of dead bodies for the purpose of autopsies;

"properly interested person" (有適當利害關係的人), in relation to the death of a person, means a person who belongs to a class or description of persons specified in Schedule 2 in respect of the deceased;

"Registrar" (司法常務官) means the Registrar of the High Court; (Amended 25 of 1998 s. 2)

"reportable death" (須予報告的死亡個案) means a death specified in Part 1 of Schedule 1;

"witness" (證人) means a person attending an inquest to give evidence, whether or not he gives evidence.

Section:	3	Appointment of coroners	10 of 2005	08/07/2005
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- (1) The Chief Executive may appoint a person to be a coroner. (Amended 10 of 2005 s. 158)
- (2) (Repealed 10 of 2005 s. 158)
- (3) An appointment under subsection (1) shall be notified in the Gazette.

(Amended 25 of 1998 s. 2)

Section:	3AA	Professional qualifications of coroners	26 of 2012	27/07/2012
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- (1) A person shall be eligible to be appointed as a coroner if-
 - (a) he is qualified to practise as a barrister, solicitor or advocate in a court in Hong Kong or any other common law jurisdiction having unlimited jurisdiction either in civil or criminal matters; and
 - (b) since becoming so qualified, he has for a period of or periods totalling not less than 5 years-
 - (i) practised as a barrister, solicitor or advocate in such a court;
 - (ii) been a legal officer as defined in section 2 of the Legal Officers Ordinance (Cap 87);
 - (iii) been the Director of Legal Aid or a Deputy Director of Legal Aid, Assistant Director of Legal Aid or Legal Aid Officer, appointed in accordance with section 3 of the Legal Aid Ordinance (Cap 91);
 - (iv) been the Official Receiver or an Assistant Official Receiver (Legal), Assistant Principal Solicitor, Senior Solicitor or Solicitor, appointed in accordance with section 75 of the Bankruptcy Ordinance (Cap 6); or
 - (v) been the Director of Intellectual Property or a Deputy Director of Intellectual Property, Assistant Director of Intellectual Property, Assistant Principal Solicitor, Senior Solicitor or Solicitor, appointed in accordance with section 3 of the Director of Intellectual Property (Establishment) Ordinance (Cap 412). (Amended 26 of 2012 s. 43)
- (2) For the purposes of calculating the period of 5 years referred to in subsection (1)(b)-
 - (a) periods of less than 5 years falling within any of the subparagraphs of that subsection may be combined;
 - (b) periods served in an office specified in Part I of the First Schedule to the repealed Registrar General (Establishment) Ordinance (Cap 100) may be taken into account notwithstanding the repeal of that Ordinance.

(Added 10 of 2005 s. 159)

Section:	3A	Appointment of deputy coroners	10 of 2005	08/07/2005
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- (1) The Chief Justice may appoint a person who is eligible under section 3AA to be appointed as a coroner to be a deputy coroner for such period and on such terms as he thinks fit. Such appointment shall be notified in the Gazette. (Amended 10 of 2005 s. 160)
- (2) Subject to the terms of appointment, a deputy coroner shall, during the period for which he is appointed, have all the jurisdiction, powers and privileges, and perform all the duties of a coroner and any reference in any law to a coroner shall be construed accordingly.
- (3) Every appointment made in accordance with this section may be terminated by the Chief Justice at any time.
- (4) Where an inquest conducted before a deputy coroner is adjourned or where findings is reserved therein, the

deputy coroner shall have power to resume the inquest or to give the findings which he has reserved, notwithstanding that before the inquest is resumed or findings is given, his appointment has expired or has been terminated.

(Added 21 of 1999 s. 19)

Part:	II	REPORTABLE DEATHS, AUTOPSIES AND POWERS OF CORONER TO ORDER EXHUMATION, BURIAL OR CREMATION	L.N. 211 of 1998	04/05/1998
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Section:	4	Reportable deaths	L.N. 211 of 1998	04/05/1998
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(1) Where a reportable death comes to the knowledge of a person specified in column 2 of Part 2 of Schedule 1 in the particular circumstances, if any, specified in that column, that person shall, as soon as is reasonably practicable after the death comes to his knowledge, make a report of the death to the person specified in column 3 of that Part opposite that first-mentioned person.

(2) Subject to subsections (3) and (4), a person who fails to discharge a duty imposed upon him under subsection (1) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 14 days.

(3) It shall be a defence for a person charged with an offence under subsection (2) to prove that-

(a) he had reasonable cause to believe and did believe that-

(i) another person was also subject to the duty under subsection (1) in respect of the reportable death concerned; and

(ii) that other person had discharged that duty;

(b) he had reasonable cause to believe and did believe that that reportable death was not a reportable death; or

(c) he took all reasonable steps to discharge that duty in respect of that reportable death.

(4) No prosecution shall be instituted under subsection (2) without the consent of the Secretary for Justice. (Amended L.N. 362 of 1997)

Section:	5	Places for autopsies, etc.	L.N. 130 of 2007	01/07/2007
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Remarks:

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

(1) The Secretary for Food and Health may, by order published in the Gazette- (Amended L.N. 106 of 2002; L.N. 130 of 2007)

(a) set apart places to be mortuaries for the reception of dead bodies for the purpose of autopsies;

(b) provide or arrange for the management of such places.

(2) A coroner may order the removal of a dead body to and from a prescribed mortuary for the purpose of an autopsy, and may order the cost of the removal to be a charge on the general revenue.

Section:	6	Autopsies	L.N. 211 of 1998	04/05/1998
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(1) Where a dead body is brought to a prescribed mortuary (whether pursuant to an order under section 5(2) or otherwise), or before a decision is made whether to hold an inquest under section 14 into the death of a person, a coroner may order an autopsy to be performed on the dead body concerned.

(2) An autopsy shall not be performed except by a registered medical practitioner who is a pathologist.

(3) A coroner may in an order under subsection (1) specify the pathologist who shall perform the autopsy to which the order relates.

(4) A pathologist who performs an autopsy shall-

(a) report in the prescribed form on the cause of death to-

(i) the coroner who ordered the autopsy; or

(ii) if that coroner is precluded by illness, absence from Hong Kong or any other cause from carrying out his duties as a coroner, any other coroner;

- (b) supply a copy of such report to the Commissioner of Police; and
- (c) not supply a copy of such report to any other person without the consent of-
 - (i) the coroner who ordered the autopsy; or
 - (ii) if that coroner is precluded by illness, absence from Hong Kong or any other cause from carrying out his duties as a coroner, any other coroner.

Section:	7	Power of coroner to order exhumation	L.N. 211 of 1998	04/05/1998
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Notwithstanding anything contained in Part XI of the Public Health and Municipal Services Ordinance (Cap 132), a coroner may order the exhumation of a dead body, or the remains of a dead body, for the purpose of discharging any of his duties, or exercising any of his powers, under this Ordinance.

Section:	8	Power of coroner to order burial or cremation	L.N. 211 of 1998	04/05/1998
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A coroner may, notwithstanding that he considers that an inquest is necessary, order a dead body to be buried or cremated and, if he so orders, shall give a certificate of his order in the form prescribed for the purposes of the proviso to section 17(1) of the Births and Deaths Registration Ordinance (Cap 174).

Part:	III	INVESTIGATIONS INTO DEATHS, POWER OF ENTRY AND SEARCH, PRE-INQUEST REVIEWS, WITNESSES AND DOCUMENTS	L.N. 211 of 1998	04/05/1998
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Section:	9	Investigations into deaths	L.N. 211 of 1998	04/05/1998
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- (1) Subject to subsection (2), a coroner may investigate-
 - (a) a reportable death; or
 - (b) any other death of a person which the coroner considers should be investigated in the public interest, whether or not-
 - (i) the coroner has viewed the dead body concerned;
 - (ii) an autopsy has been performed on that body;
 - (iii) an inquest into the death is to be held by the coroner; or
 - (iv) an investigation into the death has previously been carried out.
- (2) The purpose of an investigation into the death of a person carried out pursuant to subsection (1) shall be to investigate the cause of and the circumstances connected with the death and, for that purpose, the investigation shall be directed to ascertaining the following matters in so far as they may be ascertained-
 - (a) the identity of the person;
 - (b) how, when and where the person came by his death; and
 - (c) the particulars for the time being required by the Births and Deaths Registration Ordinance (Cap 174) to be registered concerning the death.

Section:	10	Power of entry and search	L.N. 211 of 1998	04/05/1998
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(1) Subject to subsection (2), a coroner may, if satisfied by information upon oath that there are reasonable grounds for believing that any thing which may be relevant to the cause of or the circumstances connected with the death of a person is likely to be found in or on any premises or place, issue a warrant in the prescribed form under his hand and seal authorizing any police officer, with such assistants as may be necessary, at any reasonable time to enter such premises or place, as the case may be, by force if necessary, and search such premises or place, as the case may be, specified in the warrant.

- (2) A coroner shall, before exercising his power under subsection (1), consider whether it is appropriate to do so after having regard to-
 - (a) the degree of distress which the exercise of that power may cause the family of the deceased person concerned; and
 - (b) the degree of disruption which the exercise of that power may cause to the normal activities carried out

in or on the premises or place concerned.

- (3) In any premises or place entered pursuant to a warrant issued under subsection (1), a police officer may-
- (a) require the production of, seize, detain and remove any thing which may be relevant to the cause of or the circumstances connected with the death of the person to whom the warrant relates;
 - (b) at that time, or subsequently, make and retain a copy of any thing referred to in paragraph (a) which is a document.

(4) This section shall be without prejudice to any powers of entry and search conferred on police officers under any other law.

(5) In this section-

"premises" (處所) includes domestic premises;

"thing" (東西) includes any document, article, clothing or substance.

Section:	11	Pre-inquest review	L.N. 211 of 1998	04/05/1998
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(1) A coroner who is to hold an inquest into the death of a person may conduct a pre-inquest review into the death for the purpose of determining, in so far as is reasonably practicable, how that inquest, when held, may be disposed of in a just and expeditious manner.

(2) A pre-inquest review shall not take place in open court.

(3) A coroner may give notice to a properly interested person to attend a pre-inquest review and the notice shall give the date, hour and place at which the pre-inquest review will be held.

(4) At a pre-inquest review a coroner shall consider whether the conduct of a person is likely to be called in question at the inquest to which the review relates and, if so, the coroner may recommend to that person to seek legal advice.

Section:	12	Witnesses and documents, etc.	L.N. 211 of 1998	04/05/1998
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(1) Where it appears to a coroner, on any credible information, that a person in Hong Kong is capable of giving material evidence at an inquest relevant to the cause of or the circumstances connected with the death of the person the subject of the inquest, the coroner may issue a summons in the prescribed form under his hand and seal requiring that person to be and appear before the coroner-

- (a) at the time and place specified in the summons; and
- (b) to testify what he knows relevant to the cause of or the circumstances connected with that death.

(2) Where-

- (a) a person referred to in subsection (1) who has been served with a summons referred to in that subsection fails to appear at the time and place specified in the summons;
- (b) no reasonable excuse is offered by, or on behalf of, the person for his failure to so appear; and
- (c) there is proof upon oath that-
 - (i) the summons was served on the person, either personally or by leaving it for him at his last or most usual place of residence; and
 - (ii) a reasonable sum (where, in the opinion of the coroner who issued the summons, necessary) was paid or tendered to the person for his costs or expenses to so appear,

the coroner who issued the summons may issue a warrant in the prescribed form under his hand and seal authorizing any police officer to bring that person before the coroner-

- (i) at the time and place specified in the warrant;
- (ii) to testify what he knows relevant to the cause of or the circumstances connected with the death of the person the subject of the inquest concerned, unless that inquest has been concluded; and
- (iii) to show cause why he should not be punished under subsection (5) for his failure to so appear.

(3) Where a coroner is satisfied, by evidence upon oath, that it is probable that a person referred to in subsection (1) will not attend the inquest concerned to give evidence without being compelled to do so, then, instead of issuing a summons referred to in that subsection, it shall be lawful for him to issue a warrant in the first instance in the prescribed form under his hand and seal.

(4) Where a person who has-

- (a) come before a coroner (whether or not voluntarily or in compliance with a summons referred to in subsection (1)); or

(b) been brought before a coroner by a warrant referred to in subsection (2) or (3) or otherwise, refuses to be sworn or, having been sworn, refuses without reasonable excuse to answer such questions as are put to him relevant to the cause of or the circumstances connected with the death of the person the subject of the inquest concerned, the coroner may-

- (i) by warrant in the prescribed form under his hand and seal order the person to be imprisoned for a period not exceeding 12 months unless the person in the meantime consents to be sworn and to answer such questions as are put to him relevant to the cause of or the circumstances connected with that death; or
- (ii) impose upon the person a fine at level 2.

(5) The coroner before whom a person is brought pursuant to a warrant referred to in subsection (2) may, unless the person satisfies him that he had a reasonable excuse for his failure to appear at the time and place specified in the summons referred to in subsection (1) by virtue of which the warrant was issued, impose upon the person a fine at level 2 and order him to be imprisoned for a period not exceeding 12 months.

(6) A coroner's power under subsection (1) to issue a summons referred to in that subsection to a person referred to in that subsection shall be deemed to include a power to summon and require that person to produce to the coroner any thing which, in the opinion of the coroner, is likely to be material evidence at an inquest relevant to the cause of or the circumstances connected with the death of the person the subject of the inquest, and, for that purpose, the provisions of this section relating to the failure of a person, without reasonable excuse, to attend to give evidence, or to be sworn, or to give evidence, shall apply accordingly, and the coroner shall have power to vary or add to the prescribed forms accordingly.

(7) In this section, "thing" (東西) includes any document, article, clothing or substance.

Section:	13	Supply of witness statements, etc.	L.N. 211 of 1998	04/05/1998
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(1) Where-

- (a) a coroner has decided that he will hold an inquest into the death of a person;
- (b) a witness statement or medical or technical report-
 - (i) relates to the death; and
 - (ii) is in the possession or control of the coroner; and
- (c) a properly interested person makes a request to the coroner-
 - (i) to be supplied with a copy of the statement or report; and
 - (ii) before the inquest into the death,

the coroner shall comply with the request.

(2) Where-

- (a) a police officer has prepared and forwarded to a coroner a report on the death of a person (and whether or not the death is a reportable death);
- (b) a properly interested person makes a request to the coroner to be supplied with a copy of the report; and
- (c) at the time he receives the request the coroner has decided that he will not hold an inquest into the death,

the coroner shall comply with the request but in so doing shall delete from the copy to be supplied (including any annexure thereto) any particulars which identify and person who has made or refused to make a witness statement in relation to the death unless that person has expressly consented (whether before or after the receipt of the request) to his identity being disclosed to properly interested persons.

(3) In order to facilitate the better operation of subsection (2), a person proposing to make a witness statement in relation to the death of a person shall be advised, either orally or in writing, that the statement may be provided to properly interested persons whether or not an inquest is held into the death (or words to the like effect).

Part:	IV	CIRCUMSTANCES IN WHICH CORONER MAY OR MUST HOLD INQUEST	L.N. 211 of 1998	04/05/1998
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Section:	14	Inquest into sudden or violent death, etc.	L.N. 211 of 1998	04/05/1998
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- (1) Where-
- (a) a person dies-
 - (i) suddenly;
 - (ii) by accident or violence; or
 - (iii) under suspicious circumstances; or
 - (b) the dead body of a person is found in or brought into Hong Kong,
- and whether or not the death of the person is a reportable death, a coroner may, if he considers that an inquest is necessary, hold an inquest into the death, with or without a view of the body as he thinks fit.
- (2) Subject to subsection (3), a coroner may hold an inquest under this section without a jury or, if he thinks fit, with a jury selected in accordance with section 23.
- (3) A coroner shall not hold an inquest under this section without a jury unless-
- (a) subject to section 28(2)(B), he has taken into account the representations, if any, made by or on behalf of any properly interested person on the matter; and
 - (b) he is satisfied that holding the inquest without a jury is not a less just manner of disposing of the inquest than holding the inquest with a jury.
- (4) An inquest under this section may be held notwithstanding that the cause of death did not arise in Hong Kong.
- (5) Where, in relation to the death of a person to which this section applies, a coroner considers that an inquest is not necessary, he shall forthwith upon the request of the Secretary for Justice forward to the Secretary for Justice all the evidence which he has considered in relation to the death. (Amended L.N. 362 of 1997)

Section:	15	Deaths in official custody	L.N. 211 of 1998	04/05/1998
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- (1) Where a person dies whilst in official custody, a coroner shall as soon as practicable hold an inquest into the death.
- (2) A coroner shall hold an inquest under this section with a jury selected in accordance with section 23.
- (3) Where a person dies-
- (a) whilst in the custody of a police officer; or
 - (b) during the course of a police officer's discharge of his duty,
- a coroner may request the Commissioner of Police to take such measures as are necessary to ensure that the investigation into the death is conducted independently and impartially.

Section:	16	Power of Secretary for Justice to require inquest	L.N. 211 of 1998	04/05/1998
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A coroner shall hold an inquest into the death of a person when required by the Secretary for Justice to do so.
(Amended L.N. 362 of 1997)

Section:	17	Inquest where body destroyed or irrecoverable	L.N. 211 of 1998	04/05/1998
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- A coroner may hold an inquest into the death of a person where he has reason to believe that-
- (a) the death occurred in Hong Kong in such circumstances that an inquest ought to be held; and
 - (b) owing to-
 - (i) the destruction of the body of that person;
 - (ii) the fact that the body is lying in a place from which it cannot be recovered; or
 - (iii) the fact that the body cannot be found,
 an inquest cannot be held except by virtue of this section and section 19.

Section:	18	Inquests in respect of deaths arising out of certain civil aviation accidents or merchant shipping casualties	L.N. 211 of 1998	04/05/1998
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- A coroner may hold an inquest into the death of a person where he has reason to believe that-
- (a) the death occurred outside Hong Kong in connection with-

- (i) an accident, within the meaning of the Hong Kong Civil Aviation (Investigation of Accidents) Regulations (Cap 448 sub. leg. B)-
 - (A) to which those Regulations apply;
 - (B) which has occurred outside Hong Kong; and
 - (C) where the civil aircraft to which the accident relates is registered in Hong Kong; or
- (ii) a casualty to a ship-
 - (A) to which Part VIII of the Merchant Shipping Ordinance (Cap 281) applies;
 - (B) which has occurred outside Hong Kong; and
 - (C) where the ship is registered in Hong Kong;
- (b) owing to-
 - (i) the destruction of the body of that person;
 - (ii) the fact that the body is lying in a place from which it cannot be recovered; or
 - (iii) the fact that, for whatever other reason, the body cannot or will not be brought into Hong Kong, an inquest cannot be held except by virtue of this section and section 19; and
- (c) the death has occurred in such circumstances that an inquest ought to be held.

Section:	19	Special provisions for purposes of sections 17 and 18	L.N. 211 of 1998	04/05/1998
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(1) The law relating to coroners and inquests (including all the provisions of this Ordinance) shall apply to the death of a person to which section 17 or 18 applies with such modifications as may be necessary in consequence of the absence of the body of that person.

(2) For the avoidance of doubt, it is hereby declared that a coroner may issue a certificate of the fact of death in respect of the death of a person to which section 17 or 18 applies.

Section:	20	Power of Court of First Instance to order inquest	L.N. 211 of 1998	04/05/1998
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(1) Where the Court of First Instance, upon the application in open court of a properly interested person or the Secretary for Justice, is satisfied- (Amended L.N. 362 of 1997)

- (a) that a coroner has failed to hold an inquest which ought to be held;
- (b) where an inquest has been held by a coroner, that by reason of fraud, rejection of evidence, irregularity of proceedings (including a failure to comply with section 14(3)), insufficiency of inquiry, or otherwise, it is necessary or desirable that another inquest should be held; or
- (c) where an inquest has been held by a coroner, that by reason of the discovery of new facts or evidence it is necessary or desirable that another inquest should be held,

the Court of First Instance may order an inquest to be held into the death of a person and, where an inquest has been already held, may quash the findings of the coroner or jury at that inquest already held.

(2) Where the Court of First Instance orders under subsection (1) that an inquest be held, it may also order that the inquest shall be held by any coroner and, where a coroner other than the coroner referred to in subsection (1)(b) or (c) holds the inquest, the law relating to coroners and inquests (including all the provisions of this Ordinance) shall apply as if that inquest were a new inquest.

(3) Where-

- (a) an inquest referred to in subsection (1)(b) or (c) into the death of a person was held with a jury; and
- (b) the Court of First Instance orders under subsection (1) that the inquest be reopened or that a new inquest be held into the death,

the jurors at the inquest referred to in paragraph (a) shall, unless the Court of First Instance otherwise orders, be the jurors at that reopened or new inquest.

(Amended 25 of 1998 s. 2)

Part:	V	JURORS	L.N. 211 of 1998	04/05/1998
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Section:	21	Panel for jury	L.N. 211 of 1998	04/05/1998
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(1) Where the Registrar is notified by a coroner that an inquest is to be held with a jury, the Registrar shall-

- (a) select by ballot or by any other method of random selection, from the list of jurors, such number of names of jurors as the Registrar, after consultation with the coroner, thinks fit, to form a panel; and
 - (b) shall transmit the names of the jurors forming that panel to the coroner.
- (2) The provisions of the Jury Ordinance (Cap 3) shall, so far as they are applicable, apply to the selection of the names of the jurors under subsection (1).

Section:	22	Summoning of jurors	L.N. 211 of 1998	04/05/1998
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(1) The Registrar shall cause a juror whose name is selected under section 21(1) to be served with a summons in the prescribed form requiring his attendance at an inquest at the time and place specified in the summons.

(2) A summons referred to in subsection (1) shall be served on a juror personally or by leaving it at his residence or place of business, or by sending it by registered post addressed to him at his residence or place of business:

Provided that if such a summons is not served personally it shall be served 4 clear days before the day appointed for the holding of the inquest concerned, and, in the case of service by post, an additional 2 clear days shall be allowed for delivery.

(3) A summons referred to in subsection (1) served by post in accordance with subsection (2) and not returned as undelivered shall, in the absence of evidence to the contrary, be deemed to have been served.

(4) A juror who, having been served with a summons referred to in subsection (1) in accordance with subsection (2), fails, without reasonable excuse, to attend the inquest concerned pursuant to such summons or at any adjournment of that inquest commits an offence and is liable on conviction to a fine at level 2.

Section:	23	Selection of jurors from panel	L.N. 211 of 1998	04/05/1998
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A coroner shall select by ballot 5 jurors from the names of the jurors forming the panel transmitted to him under section 21(1), and may, if necessary, require a fit and proper person or bystander to serve as a juror, provided that such person or bystander is not exempted from jury service by section 5 of the Jury Ordinance (Cap 3).

Section:	24	Procedure with jurors	L.N. 211 of 1998	04/05/1998
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The jurors at an inquest shall be sworn or declared in the prescribed form and the oath may be administered to or the declaration made by 2 or more jurors at once.

Section:	25	Discharge of jurors	L.N. 211 of 1998	04/05/1998
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- (1) A coroner may at any time during an inquest discharge a juror-
 - (a) where, in the interests of justice, it appears to the coroner expedient to do so; or
 - (b) in the interests of the juror.
- (2) Where during an inquest a juror is discharged under subsection (1) or dies-
 - (a) subject to paragraph (b)-
 - (i) the inquest shall be proceeded with in a like manner as if the required number of jurors had continued on the jury; and
 - (ii) the jury shall be considered as remaining properly constituted for the purpose of the inquest; and
 - (b) the coroner-
 - (i) if he considers it in the interests of justice to do so, may discharge the remaining jurors and order a new inquest to be held; and
 - (ii) if the number of the remaining jurors is less than 3, shall discharge them and order a new inquest to be held.

Section:	26	Exemption from further jury service for specified period	L.N. 211 of 1998	04/05/1998
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- (1) Where a coroner holds an inquest with a jury, he may-
 - (a) upon the conclusion of the inquest; and
 - (b) having regard to-

- (i) the length of the inquest;
- (ii) the degree of distress which the inquest may have caused the jurors, or some of the jurors; and
- (iii) such other matters in respect of the inquest as he considers relevant,

order that all the jurors, or such of the jurors as he specifies in the order, shall, for the period specified in the order commencing on the date of the conclusion of the inquest, be excused from again serving as a juror in any subsequent inquest commenced during that period.

(2) Subject to subsection (3), the Registrar shall give effect to an order under subsection (1).

(3) An order under subsection (1) shall be subject to section 20(3), whether or not the inquest to which that section relates was the inquest at the conclusion of which that order was made.

Part:	VI	INQUESTS	L.N. 211 of 1998	04/05/1998
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Section:	27	Purpose of inquest	L.N. 211 of 1998	04/05/1998
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The purpose of an inquest into the death of a person shall be to inquire into the cause of and the circumstances connected with the death and, for that purpose, the proceedings and evidence at the inquest shall be directed to ascertaining the following matters in so far as they may be ascertained-

- (a) the identity of the person;
- (b) how, when and where the person came by his death;
- (c) the particulars for the time being required by the Births and Deaths Registration Ordinance (Cap 174) to be registered concerning the death; and
- (d) the conclusion of-
 - (i) where the inquest was held without a jury, the coroner who held the inquest;
 - (ii) in any other case, the jury concerned, as to the death.

Section:	28	Notice of inquest	L.N. 211 of 1998	04/05/1998
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(1) Subject to subsection (2), a coroner who is to hold an inquest-

- (a) shall cause each properly interested person who has notified him in writing that he has an interest in the inquest;
- (b) may cause any other properly interested person whom the coroner-
 - (i) knows to be such a person; and
 - (ii) considers to have an interest in the inquest,

to be given reasonable notice of the date, hour and place at which the inquest will be held.

(2) Where a coroner-

- (a) has not conducted a pre-inquest review into the death of a person; and
- (b) is minded to conduct an inquest into the death without a jury,

then, before complying with subsection (1) in respect of the death, he shall cause each properly interested person-

- (i) who has notified him in writing that he has an interest in any inquest that may arise out of the death; or
- (ii) whom the coroner-
 - (A) knows to be such a person; and
 - (B) considers to have an interest in any inquest that may arise out of the death,

to be given notice in the prescribed form-

- (A) of the properly interested person's right under section 14(3)(a); and
- (B) that the right may be exercised at any time within the 14 days immediately following the date on which that notice is issued.

Section:	29	Notice to be given to a person whose conduct is likely to be called in question	L.N. 211 of 1998	04/05/1998
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Where in the opinion of a coroner who is to hold an inquest a person's conduct is likely to be called in question at the inquest, the coroner shall cause him to be-

- (a) advised of that fact; and
- (b) given reasonable notice of the date, hour and place at which the inquest will be held.

Section:	30	Inquest to be public	L.N. 211 of 1998	04/05/1998
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An inquest shall be held in open court, unless the coroner directs that the public should be excluded from the inquest or any part of the inquest.

Section:	31	Appearance by counsel or solicitor	L.N. 211 of 1998	04/05/1998
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A properly interested person or person referred to in section 29 or 34 may be represented by counsel or solicitor at an inquest and where any such person is absent, but is so represented, such person shall be deemed not to be absent.

Section:	32	Questioning of witnesses	L.N. 211 of 1998	04/05/1998
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Without prejudice to any other enactment with regard to the examination of witnesses at an inquest-

- (a) a properly interested person; and
 - (b) any other person who has the permission of the coroner to do so,
- shall be entitled to examine a witness in person or by counsel or solicitor.

Section:	33	Adjournment of inquest	33 of 2000	01/07/2000
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(1) A coroner may adjourn an inquest either to a fixed date or to a date to be fixed subsequently, and may, if he considers it necessary, use the same jury when the inquest is subsequently held or resumed.

(2) A coroner shall adjourn an inquest if, before the conclusion of the inquest, a person has been charged before a magistrate with the murder, manslaughter or infanticide of the person whose death is the subject of the inquest or with dangerous driving causing the death of such person. (Amended 33 of 2000 s. 5)

(3) Where a new jury is empanelled on the resumption of an inquest which has been adjourned under subsection (1) or (2) or section 34 or 35(1), a coroner shall proceed in all respects as if the inquest had not previously begun, and the law relating the coroners and inquests (including all the provisions of this Ordinance) shall apply accordingly as if the resumed inquest were a new inquest:

Provided that the transcription of the evidence of a witness who was examined at the original inquest and is dead or unable to be present at the resumed inquest may be read as evidence at the resumed inquest.

(4) Where a coroner resumes an inquest which has been adjourned under subsection (1) or (2) or section 34 or 35(1), being an inquest by the coroner without a jury or with the jury empanelled at the original inquest, the coroner may proceed at the resumed inquest as if the inquest had not been adjourned.

Section:	34	Adjournment of inquest where conduct of an absent person is called in question	L.N. 211 of 1998	04/05/1998
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Where the conduct of a person is called in question at an inquest on grounds which the coroner thinks substantial and which relate to the cause of or the circumstances connected with the death of the person the subject of the inquest, and if that person is not present at the inquest and has not been summoned to attend or otherwise given notice of the holding of the inquest, the coroner shall adjourn the inquest to enable that person to be present.

Section:	35	Criminal proceedings	33 of 2000	01/07/2000
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(1) Where during the course of an inquest it appears to the coroner that a criminal offence in relation to the death of the person the subject of the inquest may have been committed by a person appearing at the inquest-

- (a) subject to paragraph (b), the coroner may; or
- (b) where the suspected criminal offence is murder, manslaughter, infanticide or death by dangerous driving, the coroner shall, (Amended 33 of 2000 s. 5)

adjourn the inquest and refer the matter to the Secretary for Justice for his decision whether or not to institute criminal proceedings against that person.

(2) Where a matter is referred to the Secretary for Justice under subsection (1) by a coroner for the Secretary for Justice's decision whether or not to institute criminal proceedings against a person referred to in that subsection-

- (a) the coroner may direct the person to surrender his travel document, within the meaning of the Immigration Ordinance (Cap 115), on such terms and conditions as the coroner thinks fit;
- (b) no person shall publish in Hong Kong a written report, or broadcast in Hong Kong a report, of any details concerning the person which states, or might reasonably be construed to imply, such proceedings are being contemplated unless and until there is a decision by the Secretary for Justice to institute such proceedings;
- (c) the Secretary for Justice shall notify the coroner of his decision as soon as practicable after it has been made;
- (d) if the decision is to institute such proceedings, the coroner shall not resume the inquest concerned until the conclusion of such proceedings; and
- (e) the person may be required to give evidence or further evidence at that inquest when it is resumed, whether or not paragraph (d) applies to that inquest.

(3) A person aggrieved by a direction under subsection (2)(a) may appeal to the Court of First Instance which may-

- (a) make an order setting aside that direction subject to such conditions the Court of First Instance may consider necessary;
- (b) make an order temporarily suspending or otherwise varying the direction, and the Court of First Instance may attach such conditions to the suspension or variation as it considers necessary; or
- (c) dismiss the appeal. (Amended 25 of 1998 s. 2)

(4) A person who fails to comply with a direction under subsection (2)(a) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 2 months.

(5) Where a report is published or broadcast in contravention of subsection (2)(b), the following persons-

- (a) in the case of publication of a written report as part of a newspaper, any proprietor, editor, printer, publisher or distributor thereof;
- (b) in the case of publication of a written report otherwise than as part of a newspaper, the person who publishes or distributes it;
- (c) in the case of a broadcast of a report, any person who transmits or provides the programme in which the report is broadcast and any person having functions in relation to the programme corresponding to those of the editor of a newspaper,

each commit an offence and shall be liable on conviction to a fine at level 3 and to imprisonment for 6 months.

(6) No prosecution shall be instituted under subsection (5) without the consent of the Secretary for Justice.

(7) Without prejudice to the generality of sections 33(1) and 34, where during the course of an inquest it appears to the coroner that a criminal offence in relation to the death of the person the subject of the inquest may have been committed by a person not appearing at the inquest-

- (a) subject to paragraph (b), the coroner may; or
- (b) where the suspected criminal offence is murder, manslaughter, infanticide or death by dangerous driving, the coroner shall, (Amended 33 of 2000 s. 5)

refer the matter to the Secretary for Justice for his decision whether or not to institute criminal proceedings against that person.

(8) Where a matter is referred to the Secretary for Justice under subsection (7), then subsections (2)(b) and (c), (5) and (6) shall apply in relation to that matter as they apply in relation to a matter referred to the Secretary for Justice under subsection (1).

(9) In this section-

"broadcast" (廣播) means sounds or visual images broadcast by wireless telegraphy or by means of a high frequency distribution system over wires, or other paths provided by a material substance and intended for general reception, and includes electronic mailing;

"editor" (編輯) means the chief editor if there are more editors than one, and includes a person acting as chief editor or performing any of the usual functions of a chief editor;

"Court of First Instance" (原訟法庭) means the Court of First Instance within the meaning of section 2 of the High Court Ordinance (Cap 4), and includes the Registrar and a Master as defined in that Ordinance; (Amended 25 of 1998 s. 2)

"newspaper" (報刊) means a paper or other publication and any supplement thereto available to the general public

which-

- (a) contains news, intelligence, occurrences or any remarks, observations or comments in relation to such news, intelligence, or occurrences or to any other matter of public interest; and
- (b) is printed or produced for sale or free distribution and published either periodically (whether half-yearly, quarterly, monthly, fortnightly, weekly, daily or otherwise) or in parts or numbers at intervals not exceeding 6 months;

"proprietor" (東主) includes lessee;

"publish" (發表), in relation to a report, means publish the report, either by itself or as part of a newspaper, for distribution to the public.

(Amended L.N. 362 of 1997)

Section:	36	Secretary for Justice may request adjournment of inquest in certain cases	33 of 2000	01/07/2000
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(1) Where the Secretary for Justice requests a coroner to adjourn an inquest on the ground that a person may be charged with the murder, manslaughter or infanticide of the person whose death is the subject of the inquest or with dangerous driving causing that death, the coroner shall adjourn the inquest. (Amended 33 of 2000 s. 5)

(2) At any time before the date fixed for the holding of an inquest which has been adjourned under subsection (1), the Secretary for Justice may request the coroner for a further adjournment and the coroner shall comply with the request.

(Amended L.N. 362 of 1997)

Section:	37	Inquest not to be adjourned solely on grounds of criminal proceedings arising out of death	L.N. 211 of 1998	04/05/1998
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Subject to sections 33(2), 35(1) and 36, an inquest shall not be adjourned solely by reason of the institution of criminal proceedings arising out of the death of the person the subject of the inquest.

Section:	38	Resumption and non-resumption of inquest	L.N. 211 of 1998	04/05/1998
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(1) Where an inquest which has been adjourned under section 33(2) or 35(1) is not to be resumed, the coroner shall notify the jurors, if any, the witnesses, the Commissioner of Police and any other person appearing in person or represented at the inquest that the inquest will not be resumed.

(2) Where an inquest which has been adjourned under section 33(2) or 35(1) is to be resumed, the coroner shall give reasonable notice of the date, hour and place at which the inquest will be resumed to the jurors, if any, the witnesses, the Commissioner of Police and any other person appearing in person or represented at the inquest.

Section:	39	Alteration of date, hour or place of adjourned inquest	L.N. 211 of 1998	04/05/1998
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Where a coroner has fixed a date, hour and place for the holding of an adjourned inquest, he may, at any time before the date so fixed, alter the date, hour or place fixed and shall then give notice of the alteration to the jurors, if any, the witnesses, the Commissioner of Police and any other person appearing in person or represented at the inquest.

Section:	40	Admissibility of documentary evidence	L.N. 211 of 1998	04/05/1998
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(1) Subject to subsections (2), (3) and (4), a coroner may admit at an inquest documentary evidence relevant to the cause of or the circumstances connected with the death of the person the subject of the inquest from any living individual which in the coroner's opinion is unlikely to be disputed, unless a properly interested person objects to the documentary evidence being admitted.

(2) A coroner may admit at an inquest documentary evidence-

- (a) referred to in subsection (1); and
- (b) in respect of which there is an objection referred to in that subsection,

where, in the opinion of the coroner, the maker of the document is unable to give oral evidence within a reasonable period.

(3) Subject to subsection (4), a coroner shall, before admitting at an inquest documentary evidence referred to in subsection (1), at the beginning of the inquest announce publicly-

- (a) that the documentary evidence may be so admitted;
- (b) the full name of the maker of the document to be so admitted and a brief account of the document;
- (c) that a properly interested person may object to such admission of the documentary evidence (whether in whole or in part); and
- (d) that a properly interested person is entitled to see a copy of the documentary evidence if he so wishes.

(4) Where during the course of an inquest it appears to the coroner that there is available at the inquest documentary evidence relevant to the cause of or the circumstances connected with the death of the person the subject of the inquest from a living individual and-

- (a) the maker of the document is not present; and
- (b) in the opinion of the coroner, the contents of the documentary evidence are unlikely to be disputed,

the coroner shall, in relation to the documentary evidence, at the earliest opportunity during the course of the inquest comply with the provisions of subsection (3) as if the words "at the beginning of the inquest" were omitted from that subsection.

(5) A coroner may admit as evidence at an inquest a document made by a deceased person if the coroner is of the opinion that the contents of the document are relevant to the cause of or the circumstances connected with the death of the person the subject of the inquest.

(6) Any documentary evidence admitted under this section at an inquest shall, unless the coroner otherwise directs, be read aloud at the inquest.

Section:	41	Certificate of the fact of death	L.N. 211 of 1998	04/05/1998
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(1) Without prejudice to the provisions of the Births and Deaths Registration Ordinance (Cap 174) but subject to subsections (2) and (3), a coroner who is carrying out an investigation, or conducting a pre-inquest review or an inquest, into the death of a person may issue to a properly interested person who so requests, a certificate in the prescribed form under his hand and seal, recording the fact of that death.

(2) A coroner shall not issue a certificate of the fact of death in respect of the death of a person after the conclusion of an inquest, if any, into that death.

(3) A coroner shall not issue a certificate of the fact of death unless he is satisfied-

- (a) that the reasons stated by the properly interested person seeking the certificate justify its issue; and
- (b) as to the evidence provided by a registered medical practitioner who has personally viewed the dead body of the person in respect of whose death the certificate is being sought and who is satisfied that that death has occurred-
 - (i) of the identification of, and place and date of death of, that person; and
 - (ii) that an infectious disease was not the cause of that death.

(4) In this section, "infectious disease" (傳染病) means any disease which may render the dead body of a person a danger to public health.

Section:	42	Majority findings	L.N. 211 of 1998	04/05/1998
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(1) Where at an inquest held with a jury any of the jurors, after reasonable consultation, dissent from the other jurors, the findings of a majority of the jurors shall be taken to be the findings of the jury.

(2) Where at an inquest held with a jury it seems for any cause to be desirable, the coroner may direct the jury to consider their findings further.

Section:	43	Recording of findings	L.N. 211 of 1998	04/05/1998
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(1) At the conclusion of an inquest the coroner shall record in the prescribed form his findings or the findings of the jury and in a case where there is a jury each juror shall sign the findings.

(2) Where an inquest is held under section 15(2) into the death of a person dying in official custody, the coroner shall furnish to the person in whose custody the person died a copy of the findings of the jury signed by the coroner and the jurors.

Section:	44	Civil liability, etc.	L.N. 211 of 1998	04/05/1998
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- (1) Neither a coroner nor a jury at an inquest shall-
 - (a) frame a finding in such a way as to appear to determine any question of civil liability;
 - (b) subject to subsection (2), express an opinion on any matter other than a matter referred to in section 27.
- (2) A coroner or a jury at an inquest may make a recommendation designed-
 - (a) to prevent the recurrence of fatalities similar to that in respect of which the inquest is being held;
 - (b) to prevent other hazards to life disclosed by the evidence at the inquest;
 - (c) to bring to the attention of a person who may have power to take appropriate action any deficiencies in a system or method of work which are disclosed by the evidence at the inquest and which are of public concern.
- (3) A coroner at an inquest shall disallow a question which in his opinion-
 - (a) relates only to civil liability;
 - (b) is not relevant; or
 - (c) is otherwise not a proper question.

Section:	45	Forwarding transcription of evidence, etc.	L.N. 211 of 1998	04/05/1998
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Where, after the conclusion of an inquest, the Secretary for Justice so requests, the coroner shall deliver to the Secretary for Justice- (Amended L.N. 362 of 1997)

- (a) the transcription of the notes or record of evidence taken or made at the inquest;
- (b) any documents which have been produced in evidence;
- (c) a list signed by the coroner of all exhibits produced in evidence; and
- (d) a certificate in the prescribed form filled up and signed by him.

Part:	VII	MISCELLANEOUS	L.N. 211 of 1998	04/05/1998
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Section:	46	Obstruction of coroner, etc.	L.N. 211 of 1998	04/05/1998
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(1) A person who wilfully obstructs, resists or delays a coroner in the lawful discharge of any of his duties, or the lawful exercise of any of his powers, under this Ordinance commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 6 months.

(2) For the purposes of this section, "coroner" (死因裁判官) includes a person lawfully assisting a coroner in the lawful discharge of any of the coroner's duties, or the lawful exercise of any of the coroner's powers, under this Ordinance.

(3) This section shall be without prejudice to the operation of section 36 of the Offences against the Person Ordinance (Cap 212), section 23 of the Summary Offences Ordinance (Cap 228) or section 63 of the Police Force Ordinance (Cap 232).

Section:	47	Committal for contempt	L.N. 211 of 1998	04/05/1998
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- (1) Where a person-
 - (a) wilfully insults a coroner, an officer assisting a coroner or a witness, during the course of an inquest, or in going to or returning from an inquest;
 - (b) wilfully interrupts the proceedings at an inquest or commits a contempt or otherwise misbehaves at the inquest; or
 - (c) subject to subsection (2), obtains, discloses or solicits any particulars of statements made, opinions expressed, arguments advanced or votes cast by the jurors at an inquest in the course of their deliberations in the proceedings at the inquest,

a person authorized by the coroner, with or without the assistance of any other person, may, by order of the coroner, take the offender into custody and detain him until the conclusion of the proceedings at the inquest on the day on which the offender is so taken into custody, and the coroner may if he thinks fit-

- (i) by a warrant in the prescribed form under his hand and seal, commit the offender to prison for a

- specified period not exceeding 2 months; or
- (ii) impose upon the offender a fine at level 1 for every such offence.
- (2) Subsection (1)(c) shall not apply to any disclosure of particulars-
- (a) in the proceedings concerned for the purpose of enabling the jury to arrive at their findings, or in connection with the delivery of those findings; or
- (b) in evidence in any subsequent proceedings for an offence alleged to have been committed in relation to the jury in the proceedings referred to in paragraph (a),
- or to the publication of any particulars so disclosed.
- (3) A coroner shall not exercise any of his powers under subsection (1) in respect of a matter referred to in subsection (1)(c) without the consent of the Secretary for Justice. (Amended L.N. 362 of 1997)

Section:	48	Protection for coroners, etc.	L.N. 211 of 1998	04/05/1998
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(1) No liability shall attach to a coroner in respect of an act or omission of his if it was done or made by him in the honest belief that it was required or authorized in the discharge or purported discharge of any of his duties, or in the exercise or purported exercise of any of his powers, under this Ordinance.

(2) For the purposes of this section, "coroner" (死因裁判官) includes a person assisting a coroner in the discharge or purported discharge of any of the coroner's duties, or in the exercise or purported exercise of any of the coroner's powers, under this Ordinance.

Section:	49	Proof of service and of handwriting	L.N. 211 of 1998	04/05/1998
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(1) In any proceedings before a coroner, but without prejudice to any other mode of proof, the service on a person of a summons, warrant, notice, process or document required or authorized to be served in connection with an inquest, and the handwriting and seal of a coroner or other officer or person on such summons, warrant, notice, process or document, as the case may be, may be proved by a declaration taken before a justice of the peace.

(2) A declaration purporting to be taken in accordance with subsection (1) shall-

- (a) until the contrary is proved, be sufficient proof of the statements contained therein; and
- (b) be received in evidence in any court or legal proceedings without proof of the signature or official character of the person or persons taking or signing the declaration.

Section:	50	Application of Evidence Ordinance	L.N. 211 of 1998	04/05/1998
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(1) Subject to subsection (2), the Evidence Ordinance (Cap 8) shall apply in relation to the proceedings at an inquest as if a coroner were a court within the meaning of the Evidence Ordinance (Cap 8).

(2) Where there is any conflict or inconsistency between the provisions of the Evidence Ordinance (Cap 8) and the provisions of this Ordinance (including any rules made under this Ordinance), the provisions of this Ordinance shall prevail to the extent of the conflict or inconsistency, as the case may be.

Section:	51	Non-avoidance of summons or warrant by death, etc. of coroner, etc.	L.N. 211 of 1998	04/05/1998
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A summons or warrant issued under this Ordinance shall not be avoided by reason of the coroner or other officer who signed the summons or warrant, as the case may be, dying or ceasing to hold office.

Section:	52	Fees for certain autopsies	L.N. 211 of 1998	04/05/1998
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The Judiciary Administrator may, by order published in the Gazette, prescribe the fees to be paid to a registered medical practitioner, not being a public officer or an employee of the Hospital Authority established under the Hospital Authority Ordinance (Cap 113), who has performed an autopsy.

Section:	53	Rules	L.N. 211 of 1998	04/05/1998
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The Chief Justice may make rules-

- (a) regulating the practice and procedure at or in connection with autopsies, investigations into deaths, pre-inquest reviews and inquests;
- (b) prescribing the forms to be used under this Ordinance;
- (c) prescribing the fees payable for-
 - (i) the supply of a copy of any document required or permitted to be supplied under this Ordinance;
 - (ii) any service provided by the Coroner's Office, whether on behalf of a coroner or otherwise;
- (d) providing for the better carrying into effect of the provisions of this Ordinance.

Section:	54	Rules for payment of allowance to witnesses	L.N. 211 of 1998	04/05/1998
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(1) The Chief Justice may make rules providing for the payment of an allowance to witnesses at inquests and such rules may, in particular, provide for-

- (a) the classification of witnesses;
- (b) the payment of different rates of allowance to different classes of witnesses;
- (c) the rate of allowance which may be paid to witnesses in a particular class.

(2) The expenses of the allowances paid under rules made under this section shall be a charge on the general revenue.

(3) In this section, "witness" (證人) does not include a public officer.

(4) Rules made under this section shall be subject to the approval of the Legislative Council.

Section:	55	Amendment of Schedules	L.N. 211 of 1998	04/05/1998
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The Chief Executive in Council may, by notice in the Gazette, amend Schedule 1 or 2.

(Amended 25 of 1998 s. 2)

Section:	56	(Omitted as expired)	L.N. 211 of 1998	04/05/1998
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(Omitted as expired)

Section:	57	Repeal and transitional	L.N. 211 of 1998	04/05/1998
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(1) (Omitted as spent)

(2) A person who was, immediately before the commencement of this Ordinance, a coroner within the meaning of the Coroners Ordinance (Cap 14) shall, on and after that commencement, be deemed to be a coroner within the meaning of this Ordinance as if, on that commencement, he had been appointed under section 3(1) to be a coroner, and the provisions of this Ordinance shall apply accordingly.

(3) Subject to section 23 of the Interpretation and General Clauses Ordinance (Cap 1), the law relating to coroners and inquests (including all the provisions of this Ordinance), as in force from time to time on and after the commencement of this Ordinance, shall apply to and in relation to the death of a person which occurred before that commencement.

Section:	58	(Omitted as spent)	L.N. 211 of 1998	04/05/1998
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(Omitted as spent)

Section:	59	(Omitted as spent)	L.N. 211 of 1998	04/05/1998
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(Omitted as spent)

Section:	60	(Omitted as spent)	L.N. 211 of 1998	04/05/1998
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(Omitted as spent)

Section:	61	(Omitted as spent)	L.N. 211 of 1998	04/05/1998
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(Omitted as spent)

Section:	62	(Omitted as spent)	L.N. 211 of 1998	04/05/1998
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(Omitted as spent)

Section:	63	(Omitted as spent)	L.N. 211 of 1998	04/05/1998
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Section:	64	(Omitted as spent)	L.N. 211 of 1998	04/05/1998
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Section:	65	(Omitted as spent)	L.N. 211 of 1998	04/05/1998
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Section:	66	(Omitted as spent)	L.N. 211 of 1998	04/05/1998
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(Omitted as spent)

Section:	67	(Omitted as spent)	L.N. 211 of 1998	04/05/1998
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(Omitted as spent)

Section:	68	(Omitted as spent)	L.N. 211 of 1998	04/05/1998
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(Omitted as spent)

Section:	69	(Omitted as spent)	L.N. 211 of 1998	04/05/1998
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(Omitted as spent)

Section:	70	(Omitted as spent)	L.N. 211 of 1998	04/05/1998
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(Omitted as spent)

Section:	71	(Omitted as spent)	L.N. 211 of 1998	04/05/1998
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(Omitted as spent)

Section:	72	(Omitted as spent)	L.N. 211 of 1998	04/05/1998
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(Omitted as spent)

Section:	73	(Omitted as spent)	L.N. 211 of 1998	04/05/1998
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(Omitted as spent)

Section:	74	(Omitted as spent)	L.N. 211 of 1998	04/05/1998
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(Omitted as spent)

Section:	75	(Omitted as spent)	L.N. 211 of 1998	04/05/1998
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(Omitted as spent)

Section:	76	(Omitted as spent)	L.N. 211 of 1998	04/05/1998
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(Omitted as spent)

Section:	77	(Omitted as spent)	L.N. 211 of 1998	04/05/1998
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(Omitted as spent)

Section:	78	(Omitted as spent)	L.N. 211 of 1998	04/05/1998
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(Omitted as spent)

Schedule:	1		6 of 2008	18/04/2008
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[sections 2, 4 & 55]

PART 1

REPORTABLE DEATHS

1. Any death of a person where a registered medical practitioner is unable to accurately state the medical cause of the death in the certificate of the cause of death.
2. Any death of a person (excluding a person who, before his death, was diagnosed as having a terminal illness) where no registered medical practitioner has attended the person during his last illness within 14 days prior to his death.
3. Any death of a person where an accident or injury (sustained at any time) caused the death.
4. Any death of a person where a crime or suspected crime caused the death.
5. Any death of a person where-
 - (a) an anaesthetic caused the death;
 - (b) the person was under the influence of a general anaesthetic at the time of the death; or
 - (c) the death occurred within 24 hours after the administering of a general anaesthetic.
6. Any death of a person where-
 - (a) an operation, whether or not lawful, caused the death; or
 - (b) the death occurred within 48 hours after a major operation (as determined in accordance with prevailing medical practice), whether or not lawful.
7. Any death of a person where-
 - (a) the death was caused by-
 - (i) an occupational disease, within the meaning of section 3 of the Employees' Compensation Ordinance (Cap 282); or
 - (ii) pneumoconiosis, or mesothelioma, within the meaning of section 2(1) of the Pneumoconiosis and

Mesothelioma (Compensation) Ordinance (Cap 360), or both of those diseases; or (Replaced 6 of 2008 s. 48)

- (b) having regard to the nature of the last illness of the person, the medical cause of the death and the nature of any known occupation or employment, or previous occupation or employment, of the person, it is reasonable to believe that the death may be connected, either directly or indirectly, with any such occupation or employment.
8. Any still birth where-
- (a) there is doubt as to whether the still born foetus was alive or dead at the time of birth; or
 - (b) there is a suspicion that the still birth might not have been a still birth but for the wilful act or neglect of any person.
9. Any death of a woman where the death occurred within 30 days after-
- (a) the birth of her child;
 - (b) an operation of abortion, whether or not lawful; or
 - (c) a miscarriage.
10. Any death of a deceased where-
- (a) septicaemia caused the death; and
 - (b) the primary cause of the septicaemia is unknown.
11. Any death of a person where there is a suspicion the death was caused by suicide.
12. Any death of a person where the death occurred whilst the person was in official custody.
13. Any death of a person where the death occurred during the course of the discharge of his duty by a person having statutory powers of arrest or detention.
14. Any death of a person where the death occurred in the premises of a department of the Government any public officer of which has statutory powers of arrest or detention.
15. Any death of a person where the person-
- (a) is a patient, within the meaning of section 2 of the Mental Health Ordinance (Cap 136), and the death occurs in a mental hospital within the meaning of that section; or
 - (b) is a patient the subject of an order under section 31 or 36 of that Ordinance and the death occurs in a hospital other than such a mental hospital;.
16. Any death of a person where the death occurred in any premises in which the care of persons is carried on for reward or other financial consideration (other than in any premises which comprise a hospital, nursing home or maternity home registered under the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap 165)).
17. Any death of a person where the death was caused by homicide.
18. Any death of a person where the death was cause by the administering of a drug or poison by any other person.
19. Any death of a person where ill-treatment, starvation or neglect caused the death.
20. Any death of a person which occurred outside Hong Kong where the body of the person is brought into Hong Kong.

PART 2

PERSONS UNDER A DUTY TO REPORT REPORTABLE DEATHS

Item	Person required to discharge duty and the particular circumstances, if any, in which duty arises	Person to whom reported
1.	Any registered medical practitioner in respect of any reportable death where he- (a) signs the certificate of the cause of death; (b) if no such certificate is so signed, attended the deceased during his last illness.	Coroner with a copy to the Commissioner of Police at the same time.
2.	The person in charge of a hospital, or another person authorized in writing by the person so in charge, in respect of any reportable death which occurred therein.	Coroner with a copy to the Commissioner of Police at the same time.
3.	Any person (except a police officer) in respect of any reportable death which occurred whilst the deceased was in the official custody of that person.	Coroner via Commissioner of Police.
4.	Any police officer in respect of any reportable death which occurred whilst the deceased was in the official custody of that police officer.	Coroner.
5.	Any person for the time being administering or otherwise in charge of premises owned, occupied or in the possession of any department of the Government (other than the police force) in respect of any reportable death which occurred therein.	Coroner via Commissioner of Police.
6.	Any person for the time being administering or otherwise in charge of premises owned, occupied or in the possession of the police force in respect of any reportable death which occurred therein.	Coroner.
7.	The head of any department of the Government which receives a statutory notice in respect of any reportable death.	Coroner.
8.	Any police officer.	Coroner.
9.	The Registrar of Births and Deaths.	Coroner.
10.	Any registered medical practitioner in respect of any reportable death where the consent of a coroner is being sought under section 4(4)(a) or (b) of the Medical (Therapy, Education and Research) Ordinance (Cap 278) in relation to the body of the deceased.	Coroner.

Schedule:	2	PROPERLY INTERESTED PERSONS	6 of 2008	18/04/2008
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[sections 2 & 55]

1. Any person who is a parent, spouse, sibling or child of the deceased.
2. Any person who is the registered medical practitioner of the deceased.
3. Any person who is a personal representative, within the meaning of section 2 of the Wills Ordinance (Cap 30),

of the deceased.

4. Any person who is a beneficiary under a policy of insurance on the life of the deceased.
5. Any person who is an insurer who has issued a policy of insurance on the life of the deceased.
6. Any person who is appointed by a trade union, within the meaning of section 2 of the Trade Unions Ordinance (Cap 332), to which the deceased at the time of his death belonged if the death may have been caused by- (Amended 6 of 2008 s. 49)
 - (a) any injury received in the course of his employment; or
 - (b) any of the following diseases which may have been contracted in the course of his employment-
 - (i) an occupational disease, within the meaning of section 3 of the Employees' Compensation Ordinance (Cap 282);
 - (ii) pneumoconiosis, or mesothelioma, within the meaning of section 2(1) of the Pneumoconiosis and Mesothelioma (Compensation) Ordinance (Cap 360); or
 - (iii) any other disease (whether described as an occupational disease or otherwise).

(Amended 6 of 2008 s. 49)
7. Any representative of any department of the Government which is concerned with the death of the deceased and who is authorized by the head of that department to be such representative for the purposes of this Ordinance.
8. Any person whose act or omission or that of his agent, servant or employee may, in the opinion of a coroner, have caused the death of the deceased.
9. Any other person who, in the opinion of a coroner, should be regarded as a properly interested person by reason of any particular interest in the circumstances surrounding the death of the deceased.