

Legislative Council
Panel on Administration of Justice and Legal Services

Death Investigations by the Coroner's Court

PURPOSE

The purpose of this paper is to inform Members of the work of the Coroner's Court regarding death investigations.

DEATH INVESTIGATIONS

Statutory Position

2. The role of the Coroner's Court is to inquire into the causes and circumstances of certain deaths. The deaths which should be reported to the Coroner under the Coroners Ordinance, Cap 504 ("the Ordinance"), are set out in Part 1 of Schedule 1 to the Ordinance.
3. Under section 9(1) of the Ordinance, a Coroner may investigate a reportable death; or any other death of a person which the Coroner considers should be investigated in the public interest.
4. Under section 9(2) of the Ordinance, the purpose of an investigation is to investigate the cause of and the circumstances connected with the death, and for this purpose, the investigation shall be directed to ascertaining the following matters in so far as they may be ascertained, i.e. the identity of the person; how, when and where the person came by his death; and the particulars required to be registered concerning the death under the Births and Deaths Registration Ordinance, Cap 174.
5. Pursuant to the above provisions, the decision by a Coroner on whether to conduct a death investigation is a judicial decision, having regard to all the circumstances surrounding the death of the deceased. The factors which a Coroner may take into account in making such judicial decision depend on the circumstances of each individual case.

Statistics

6. The numbers of deaths reported to Coroners and the investigation reports called for by the Coroners in the past five years are as follows :

| Year | Deaths reported to Coroners | Death Investigation Reports called |
|-------------|------------------------------------|---|
| 2004 | 9 108 | 2 059 |
| 2005 | 9 506 | 1 351 |
| 2006 | 9 025 | 1 061 |
| 2007 | 9 422 | 767 |
| 2008 | 10 314 | 1 364 |

7. Members also enquired about the number of cases related to medical negligence. It should be noted that under section 44(1)(a) of the Coroners Ordinance, a Coroner shall not frame a finding in such a way as to appear to determine any question of civil liability. Section 44(3)(a) of the Ordinance further requires a Coroner to disallow a question which in his opinion relates only to civil liability. Given that it is not open to a Coroner's Court to determine any question of civil liability, we do not have the figures on cases related to medical negligence.

Operational Aspects

8. Adequate resources are being provided to the Coroner's Court to enable it to discharge its function fairly and effectively. No practical difficulties are encountered.

Judiciary Administration
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