

Giving evidence at a coroner's inquest



MPS



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As a doctor, you may be asked to give evidence in many different types of tribunals, including criminal or civil courts, the Coroner's court and employment or mental health tribunals. This factsheet gives further information about what to expect and how to prepare for a coroner's inquest.

It is advisable to prepare for the Inquest by familiarising yourself with your report and/ or the relevant medical records before you attend court.

1. Upon arrival at the Coroner's Court, the court clerk will take your attendance. You should then sit at the back of the Court room in the public gallery until it is your turn to give evidence.
2. The Coroner will begin by giving a general introduction, and explain that the purpose of an inquest is to inquire into the cause of and the circumstances connected with the death, and that the inquest proceedings will be directed towards ascertaining the following matters:
 - (a) the identity of the deceased;
 - (b) how, where and when the deceased came by his death; and
 - (c) the conclusion (ie, the verdict) as to the death.
3. Following the introduction, the Coroner will then call the various witnesses to give evidence in the order they appear on the List of Witnesses.

You may give evidence in English or Cantonese; we would advise you to use the language in which you are most comfortable
4. When it is your turn to give evidence, your name will be called, and you should proceed to the witness stand. You will be asked to affirm that your evidence is true to the best of your knowledge, information and belief. Thereafter, if you have previously submitted a report to the Coroner, you may be asked to read out your report.
5. If you are fluent in both English and Cantonese, you may choose to give evidence in either language. We would advise you to use the language in which you are most comfortable. It may be convenient to all if Cantonese is used. If, however, you feel that certain technical words would better be left in English, or if such words are difficult to be explained, you may answer questions in Cantonese but use English technical terms. Alternatively, if you are more comfortable answering in English, you should do so.
6. After you have read out your report, the legal officer assisting the Coroner will then ask you some questions. The Coroner may also ask you some questions. The family members of the deceased, or if they are legally represented, their representative, will also have a right to ask you questions. Finally, your legal representative has a right to ask you any outstanding questions which he thinks are important to the case. If you a Hospital Authority employee this will probably be the HA legal representative
7. Before you answer a question, you should listen to it carefully. If you do not understand the question, you should ask to have it repeated and/or explained to you.
8. You should give answers which are concise and to the point. You should not volunteer any information which is not being asked of you. You should give a factual account of your individual involvement in the clinical management of the deceased, based on information which can be ascertained from the medical records. You may, if necessary, refer to a copy of the records. You should not give any expert opinion on the evidence.
9. If you feel that you have not answered a question properly, or that you have not provided enough information, you should not worry. Your legal representative or the HA legal representative will be the last person to ask you questions. If he feels that further information is required of you to clarify the matter, he will ask you to do so. You should, therefore, have the opportunity to provide any additional relevant information towards the end of your evidence.

- 10.** As the purpose of an inquest is to determine the cause of death, the Coroner has no jurisdiction to deal with matters involving civil liability. If any party ask you questions which may involve the issue of liability, the HA legal representative will object to such a question. The Coroner will not require you to answer a question which, in his opinion, relates only to civil liability or is irrelevant.
- 11.** After you have finished giving evidence, with permission from the Coroner, you will be excused and you may leave the Court.

Further information

- Judiciary of Hong Kong, The Coroner's Court – www.judiciary.gov.hk

Medicolegal and membership enquiries

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