

# LCQ11: Handling of death cases by Police

Following is a question by the Hon Wu Chi-wai and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (November 20):

Question:

The Coroners Ordinance (Cap 504) specifies 20 categories of deaths which are reportable to the coroner. Having considered the relevant information such as the investigation reports prepared by the Police on such cases and the post mortem reports, the coroner may decide whether there is sufficient information such that the cause and the circumstances of the death are clear and with no suspicion and whether the case can be concluded, or the coroner may decide to order the Police to carry out further investigation or seek independent opinions from experts. Having considered all the requisite information and all the circumstances of the case, the coroner may decide whether to conclude the case or hold an inquest into the death. If a person dies while in official custody, the coroner must hold an inquest into that case of death. In addition, properly interested persons (including family members of the deceased) and the Secretary for Justice may apply to the Court of First Instance for an inquest into the death to be held by a coroner. It has been reported that the number of suspected suicide cases surged in recent months, and in respect of a number of dead body found cases, the Police announced after investigation at the scene that the cases were initially classified as suicides or as cases with no suspicious circumstances surrounding the death. However, some members of the public have queried that the process for the Police's investigation into these cases and drawing their conclusions is sloppy. In this connection, will the Government inform this Council of the following details regarding the dead body found cases handled by the Police in the past 24 months:

(1) the total number of such cases, with a tabulated breakdown by month and the age group to which the deceased belonged (i.e. 0 to 9 years old, 10 to 19 years old, 20 to 29 years old, 30 to 39 years old, 40 to 49 years old, 50 to 59 years old, 60 to 69 years old, 70 years old or above, and age unknown);

(2) the number of cases with the following circumstances: the Police, based on the findings of their investigation at the scene, had announced that the case was initially classified as suicide or a case with no suspicious circumstances surrounding the death, but before submission of the first investigation report to the coroner, the Police reclassified the case as murder or a case with suspicious circumstances surrounding the death;

(3) the respective numbers of cases classified, in the first investigation reports submitted by the Police to the coroner, as (i) a case with no suspicious circumstances surrounding the death, (ii) suicide, (iii) murder,

and (iv) other categories;

(4) the number of cases in which the coroner decided, after considering information such as the first investigation report by the Police, that the case be concluded;

(5) (i) the number of cases in which the coroner, after considering information such as the first investigation report by the Police, ordered the Police to carry out further investigation; the respective numbers of cases in which the coroner, after considering the further investigation report by the Police and other relevant information, decided to (ii) conclude the case, and (iii) hold an inquest into the death; the respective numbers of cases in which the Court of First Instance, upon the application of (iv) a properly interested person and (v) the Secretary for Justice, ordered an inquest to be held;

(6) a breakdown of the figures in (5) by the classification of the cause of death as set out in the first investigation report by the Police;

(7) the number of cases in which a verdict of suicide has been returned, together with a tabulated breakdown by (i) the age group (as set out in (1)) to which the deceased belonged and (ii) type of suicide (i.e. hanging, jumping from height, drowning, sharp instruments, and others);

(8) the number of cases in which the dead body has remained unclaimed so far, with a tabulated breakdown by the age group (as set out in (1)) to which the deceased belonged;

(9) the (i) highest, (ii) lowest and (iii) average numbers of days from the Police receiving the report of a dead body found to the cremation/burial of the dead body; and

(10) the number of cases in which the name of the deceased appeared on the Police's list of missing persons, with a tabulated breakdown by the age group (as set out in (1)) to which the deceased belonged?

Reply:

President,

In accordance with section 10 of the Police Force Ordinance (Cap 232), the duties of the police force include assisting coroners to discharge their duties and exercise their powers under the Coroners Ordinance (CO) (Cap 504).

In accordance with section 9(1) of CO, 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. Section 9(2) specifies that the purpose of such an investigation shall be to investigate the cause of and the circumstances connected with the death of a person.

As prescribed under CO, there are 20 types of reportable deaths

including deaths caused by suicide and deaths in official custody. In accordance with section 4(1) of CO, where a death comes to the knowledge of a police officer and any other person under a duty to report deaths, they shall report it to the coroners as soon as possible.

In accordance with section 14(1) of CO, where a person dies suddenly, by accident or violence or under suspicious circumstances, a coroner shall hold an inquest into the death. According to section 27 of CO, the purpose of the inquest shall be to inquire into the cause of and the circumstances connected with the death. 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, which include the identity of the dead person; how, when and where the person came by his death; and the conclusion of the coroner/jury concerned as to the death.

My reply to the Hon Wu Chi-wai's questions is as follows:

(1), (2), (3) and (6) In handling every death case, the Police report to the coroner's court in strict compliance with the law and guidelines. The Police will investigate every reportable death and submit to the coroners an initial investigation report together with a post-mortem report prepared by a clinical pathologist or forensic pathologist. Where the coroners consider that further investigation of the death is required, the Police will investigate further and submit a more detailed death investigation report. Upon perusal of the relevant reports, and upon considering all the circumstances of the case, the coroner will consider whether to hold an inquest into the death.

The Police maintain their professionalism in investigating each of the death cases and follow it up in a meticulous manner. In fact, as indicated in the Coroners' Report 2018, the coroners recognised the performance of the police investigators and that their standard of conducting investigation into every incident of death was very high, as was their reports.

The numbers of dead body found cases handled by the Police in 2018 and from January to October 2019 are tabulated below. The Police do not maintain statistics by age group and other breakdown statistics (Note 1):

|  | 2018          | 2019<br>(January to<br>October) |
|--|---------------|---------------------------------|
| Numbers of death on or before arrival to hospitals and dead body found cases       | 7 828<br>(22) | 6 584<br>(27)                   |
| Numbers of suicide, person found hanging and person found fallen from height cases | 667<br>(4)    | 608<br>(7)                      |
| Numbers of homicide deaths   | 48            | 18                              |

Note 1: Figures in brackets denote cases of suspicious death which required follow-up investigations by criminal investigation teams.

(4), (5) and (7) Based on the information provided by the Judiciary, Coroners take forward death investigations and inquests according to the CO. Operationally, every reportable death, supported by relevant reports such as the investigation report by the Police and the post mortem report by the clinical or forensic pathologist, is considered by the Coroner. Having taken into consideration all relevant information, including the expert opinions of the pathologist and medical practitioner concerned, the medical history of the deceased, the course of events leading to the death and the findings of police investigation, if the Coroner is of the view that there is sufficient information to enable him to exercise his power and perform his duties under section 9 of CO and that the cause of and the circumstances of the death are clear and that there is no suspicion, he may decide that the case be concluded without ordering any further investigation report. In 2017 and 2018, the number of cases with no further death investigation reports ordered were 9 640 and 9 893 respectively.

If the Coroner considers that further investigation of the death is required, he shall order the Police to carry out further investigation and to seek for independent opinion from expert, where appropriate. When all required information is ready and upon considering all the circumstances of the case, the Coroner shall decide whether the case can be concluded or an inquest into the death is to be held. Besides, under CO, a Coroner must hold an inquest if a person dies whilst in official custody. The number of cases requiring further investigations, the number of inquests set down and the total number of cases concluded (Note 2) in the past two years are set out as follows:

| Year | Cases requiring further investigations | Inquests set down | Total number of Cases concluded |
|------|--|-------------------|---------------------------------|
| 2017 | 1 128                                  | 131               | 768                             |
| 2018 | 1 083                                  | 167               | 914                             |

The Coroner's Court is still in the process of collecting the relevant figures for 2019.

The Judiciary does not have available information on the number of cases in which the Court of First Instance, upon the application of a properly interested person or the Secretary for Justice, ordered an inquest to be held in the period concerned.

In 2017 and 2018, out of the deaths reported to the Coroners, the numbers of suicides confirmed by the Coroners were 916 and 955 respectively. Statistics of suicides handled by the Coroner's Court in 2017 and 2018, as released in the Coroner's Reports, are respectively given at Appendix I and II. The Coroner's Court is still in the process of collecting the relevant figures for 2019.

(8) In respect of unclaimed dead bodies whose identities are known, public hospitals will, in accordance with the established guidelines of the Hospital Authority (HA), contact the relatives of the deceased to claim the body based on the hospital admission information of the deceased. If the hospitals could not contact or have no information about the relatives of the deceased, police assistance will be sought.

According to the Police's internal guidelines and handling procedures, on receipt of a request from a hospital for assistance in locating the relatives of any deceased person in hospital whose body was not claimed, the Police will send officers to visit the last known address of the deceased and/or his/her relatives. Where the relatives of the deceased are located, the Police will invite them to contact the hospital concerned. The police officers will inform the hospital concerned of the outcome of their visit. Unless the relatives of the deceased specifically raise objection, the Police will also provide the contact details of the relatives of the deceased to the hospital concerned. If the dead body eventually remains unclaimed, the hospital concerned will hand it over to the Food and Environmental Hygiene Department (FEHD), which will then arrange for the burial or cremation of the dead body in accordance with established procedures.

The Police do not maintain statistics on cases in which the dead body has remained unclaimed because the relatives cannot be located. Relevant statistics on unclaimed dead bodies received from local hospitals or public mortuaries as provided by FEHD are tabulated below but no statistics by age group are maintained:

| Month and Year | Unclaimed dead bodies received from local hospitals | Unclaimed dead bodies received from public mortuaries | Cases in which the dead bodies were claimed later by the relatives |
|----------------|---|---|--|
| January 2018   | 28  | 17  | 3  |
| February 2018  | 26  | 34  | 2  |
| March 2018     | 14  | 28  | 4  |
| April 2018     | 17  | 13  | 1  |
| May 2018       | 13  | 14  | 2  |
| June 2018      | 19  | 6   | 3  |
| July 2018      | 18  | 21  | 2  |
| August 2018    | 25  | 8   | 1  |
| September 2018 | 18  | 7   | 0  |

|                |    |    |   |
|----------------|----|----|---|
| October 2018   | 15 | 30 | 8 |
| November 2018  | 13 | 8  | 3 |
| December 2018  | 12 | 18 | 1 |
| January 2019   | 11 | 10 | 3 |
| February 2019  | 10 | 14 | 2 |
| March 2019     | 13 | 8  | 0 |
| April 2019     | 12 | 15 | 2 |
| May 2019       | 9  | 13 | 0 |
| June 2019      | 14 | 16 | 2 |
| July 2019      | 6  | 9  | 2 |
| August 2019    | 7  | 10 | 0 |
| September 2019 | 14 | 7  | 2 |

(9) Generally speaking, the relatives of the deceased may apply to FEHD for cremation service if they have been issued with a Certificate of Order Authorizing Cremation of Body by the coroner. In accordance with the performance pledge of FEHD, persons who apply for cremation service may book a cremation session at government crematoria within the next 15 days from the day of application. The actual time of cremation will depend on the preference of the relatives and the cremation sessions available for booking. The Police and FEHD do not maintain relevant statistics.

(10) The numbers of missing person cases reported in 2018 and from January to October 2019 are tabulated below while the Police do not have the other statistics required in the question:

| Missing Persons   | 2018  | 2019<br>(January to October) |
|---|-------|------------------------------|
| Numbers of cases reported                                   | 3 046 | 2 243                        |
| Numbers of reported cases involving people aged 60 or above | 907   | 652                          |

Note 2: The number of cases concluded refers to the cases completed in the year concerned regardless of the procedures gone through. These include cases which may or may not require further death investigation reports and/or death

inquests.