

COMMISSION OF INQUIRY

DIRECTIONS

(made at the Preliminary Hearing on 5 December 2012)

Public hearings

1. Unless otherwise directed, the hearings of the Inquiry will be open to the public.

Prohibition on photography, audio/video recordings without the authorisation of the Commission

2. Without the authorisation of the Commission, no photographs may be taken or audio/video recordings made in the hearing room, the overflow room or the other rooms in the Main Wing of Central Government Offices used for the purposes of this Inquiry.

Language

3. The proceedings will be conducted in English, although witnesses may give their evidence in any language or dialect that they wish to do so. Then, the testimony will be translated into English.

Dates and times of the hearings

4. The Commission will commence the substantive hearing of the Inquiry on 12 December 2012 and will continue on weekdays until 21 December 2012. The hearings will resume on 7 January and continue until 8 February 2013. Then, the hearings will resume on 18 February 2013 and continue until completion. Such hearing dates are subject to

change by further directions of the Commission. The hearing time each day will be from 10:00 a.m. to 1:00 p.m. and from 2:30 to 4:30 p.m. On 17 December 2012 the hearing will be from 2:00 p.m. to 6:00 p.m.

The hearing procedure

Opening addresses

5. Counsel for the Commission may make an opening address. Counsel for the parties permitted to participate and be legally represented (the "involved parties ") may apply to the Commission to make their own opening addresses. If the Commission accedes to such an application, the addresses will be made immediately after the address of counsel for the Commission. The Commission may determine the sequence and length of such addresses.

Evidence

6. The Commission notes that section 4 (1) of the Commissions of Inquiry Ordinance, Cap. 86 provides that in conducting the inquiry it may:

" (a) receive and consider any material whether by way of oral evidence, written statement, documents or otherwise, notwithstanding that such material would not be admissible as evidence in civil or criminal proceedings;"

The examination of witnesses

7. Oral evidence will be given under oath or affirmation.

8. The procedure by which the Commission will receive oral evidence is as follows:

- (i) counsel for the Commission will lead the evidence of witnesses called by the Commission; counsel for the involved parties may

apply to the Commission for leave to question a particular witness or witnesses; the Commission will determine the sequence in which counsel representing different parties may question a witness;

- (ii) counsel for an involved party who is not a corporate entity (individual involved party), may lead his evidence, after which counsel for the other involved parties may apply to the Commission for leave to question such person; the Commission will determine the sequence in which evidence is led from the involved parties and in which counsel representing other involved parties may question such person; thereafter, counsel for the Inquiry may question such person; finally, counsel for that involved party may re-examine him;
- (iii) counsel for an individual involved party may apply to the Commission to call other oral witnesses or to receive any other material; if the Commission permits oral evidence to be led on behalf of that party, it will be received by the Commission in the same manner as set out at (ii);
- (iv) counsel for an involved party who is a corporate entity ("corporate involved party") may apply to the Commission to call oral witnesses or to receive any other material on behalf of that party; if the Commission permits oral evidence to be led on behalf of the corporate involved party it will be received by the Commission in the same manner as set out at (ii);
- (v) at any stage in the receipt of oral evidence the Commission may ask questions of the witness;
- (vi) the Commission may recall any person who has given oral evidence to answer further questions.

Written witness statements

9. All involved parties shall provide to the Commission written witness statements, addressing the subject matter of their testimony, and of all witnesses they are permitted to call, at least 7 clear days before the testimony is to be received.

Closing addresses

10. Counsel for the Commission and counsel for the involved parties may make closing addresses. The Commission may determine the sequence and length of such addresses.

The participation and legal representation of other parties

11. At any stage in the hearings the Commission may determine to permit the participation and legal representation of other parties in the hearings.

Access to documents

12. The Commission Secretariat has compiled, and will update regularly, an index of all documents and material provided to the Commission for the purpose of the Inquiry. Any involved party who wishes to gain access to such documents or material may apply in writing to the Commission Secretariat. At its discretion the Commission shall determine whether or not and to what extent access may be permitted.

13. Any involved party who wishes to obtain copies of documents to which access has been permitted by the Commission may apply to the Commission Secretariat to be provided with such copies. At its discretion the Commission shall determine whether or not such copies are to be provided. The cost of obtaining such copies shall be borne by the party obtaining such copies.