

Client Advisory | February 2009

Taking Depositions from Chinese Witnesses in Hong Kong



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China does not permit the taking of depositions or witness statements (even from willing witnesses) in China for a case pending overseas. However, such depositions and witness statements may be taken in Hong Kong.

With respect to taking depositions or witness statements from Chinese witnesses in Hong Kong, the following should be noted:

1. Chinese citizens are not permitted to travel freely to Hong Kong without an Exit-entry Permit for Travelling to and from Hong Kong and Macau (“EEP”) and a valid visa.
2. In order to travel to Hong Kong for the purpose of giving depositions or witness statements there, Chinese witnesses are required to obtain an EEP and a special travel visa. In support of the applica-

tion for an EEP and a special travel visa, each witness is required to submit proof justifying the specified purpose of the witness’s travel to Hong Kong (i.e. giving depositions/witness statements in Hong Kong in support of a case pending overseas).

3. The Chinese witnesses are required to submit their application to the appropriate local Public Securities Bureau Office (the “Office”) in person. The correct branch of the Office depends on the location of the applicant’s household registration. The application process will usually take at least 15 working days.

Should you have any questions or require more information, please do not hesitate to contact us.

This advisory is for guidance only and is not intended to be a substitute for specific legal advice. If you would like any further information please contact:

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