

Evidence (Amendment) Bill 2026 gazetted today  
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The Government today (June 12) gazetted the Evidence (Amendment) Bill 2026 (the 2026 Bill) to reform the rule against hearsay in criminal proceedings.

According to the common law rule against hearsay (hearsay rule), hearsay evidence is generally inadmissible in criminal proceedings unless it falls within one of the common law or statutory exceptions to the rule. The hearsay rule has been criticised over the years for being too strict and inflexible, and for excluding hearsay evidence even if it is cogent and reliable, which can result in injustice. The Law Reform Commission of Hong Kong (LRC) published a report on "Hearsay in Criminal Proceedings" in November 2009, recommending that the relevant rule be reformed by way of a detailed legislative scheme.

The Government previously introduced the Evidence (Amendment) Bill 2018 (the 2018 Bill) to implement the recommendations of the LRC. However, the 2018 Bill lapsed due to insufficient time to complete the legislative process by the end of the term of office of the sixth-term Legislative Council (LegCo). The Department of Justice (DoJ) subsequently conducted a comprehensive review. After re-examining the LRC's recommendations and carefully considering the views received in the 2017 consultation exercise and the deliberations of LegCo on the 2018 Bill, together with the latest legal and policy developments, the DoJ has put forward the 2026 Bill for introduction into LegCo.

The new regime under the 2026 Bill generally applies to criminal proceedings, but does not apply to cases concerning national security. Apart from preserved common law exceptions and other statutory exceptions, hearsay evidence may be admitted if both the prosecution and the defence agree, if no party opposes its admission, or, in the event of opposition, if the court grants permission upon certain conditions being satisfied. These conditions include necessity (for example, where a witness is unfit to testify because of the witness's physical or mental condition), threshold reliability (the court will holistically consider various factors to ensure that the reliability of the evidence is reasonably assured), and that the probative value of the hearsay evidence is greater than any prejudicial effect it may have.

A spokesman for the DoJ said, "Compared with the 2018 Bill, the 2026 Bill introduces a number of improvements, including conferring on the court greater procedural discretion and refining the mechanism for the exclusion of hearsay evidence admitted with the court's permission. These measures not only provide robust protection for the defendant's right to a fair trial, but also meet the court's need to ascertain the truth, thereby enabling appropriate reform of Hong Kong's criminal evidence law."

In December 2025, the DoJ issued a consultation paper together with a draft of the 2026 Bill to various stakeholders, including the Judiciary, legal professional bodies, and university law schools, for consultation. The stakeholders in general supported the legislative proposal. The DoJ also briefed the LegCo Panel on Administration of Justice

and Legal Services in March this year on the consultation exercise and policy aspects of the Bill, with members of the Panel indicating their support.

The 2026 Bill will be introduced into LegCo for first reading on June 24.

Ends/Friday, June 12, 2026