

## **Witness Expenses under section 34(1)(c) of the Estate Agents Ordinance**

Persons who attend inquiry hearing as witness and wish to apply for witness expenses may only do so through the presenter or the respondent who called them to testify at the hearing. The application must be made to the Disciplinary Committee before the conclusion of the hearing. The Disciplinary Committee will consider the following factors in determining whether witness expenses should be awarded:

- (i) whether the witness was an “interested party” \*;
- (ii) whether the expenses were reasonably incurred;
- (iii) whether the expenses were incurred by reason of the attendance;
- (iv) whether the evidence given by the witness was essential; and
- (v) any other relevant factor.

\* “Interested parties” are: (a) persons whose interests may be affected by the outcome of an inquiry hearing or (b) persons who are related to the first-mentioned persons in any way (e.g. family members, relatives, friends, colleagues and business associates). Generally speaking, a witness will not be awarded any expenses if he is an interested party.