

Public consultation on enactment of apology legislation starts

The Steering Committee on Mediation today (June 22) launched a six-week public consultation to seek views on whether to enact an apology legislation in Hong Kong.

Following a mishap, a party causing injury may wish to convey his apology to the injured person for the loss and suffering sustained. Even if the former party genuinely believes that he has done nothing wrong, he may nevertheless still wish to convey his condolences or sympathy to the other party out of goodwill and benevolence. However, there is a general reluctance to make apology and lawyers are often reluctant to advise their clients to apologise. This is because the legal consequences of making an apology are not entirely clear, and that an apology may be relied on to establish liability in relevant legal proceedings.

The main objective of apology legislation is to promote and encourage the making of apologies in order to facilitate the amicable settlement of disputes by clarifying the legal consequences of making an apology.

Apology legislation is nothing new and can be found in many other jurisdictions, including the United States, Canada, Australia and the United Kingdom.

The Steering Committee on Mediation, chaired by the Secretary for Justice, was set up in late 2012 to further foster the development of mediation in the Hong Kong Special Administrative Region. It comprises members from different sectors including legal professionals, mediation experts, medical practitioners, academics, administrators, social workers and insurers.

The Consultation Paper on Enactment of Apology Legislation in Hong Kong is now available on the

website www.doj.gov.hk/eng/public/apology.html. Copies of the executive summary can also be collected at the Public Enquiry Service Centres of the Home Affairs Department.

All submissions should be sent to the Steering Committee by mail to 10/F, Rumsey Street Multi-storey Carpark Building, 2 Rumsey Street, Hong Kong, or by email to mediation@doj.gov.hk. The consultation will end on August 3, 2015.

Ends/Monday, June 22, 2015