

Second round of public consultation on enactment of apology legislation starts

The Steering Committee on Mediation today (February 22) launched the second round of public consultation on the proposed enactment of apology legislation in Hong Kong. The second round of public consultation will last for six weeks.

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.

"Enactment of Apology Legislation in Hong Kong: Report & 2nd Round Consultation" (the Consultation Report) was published today and summarises the responses received during the first round of public consultation conducted from June to August 2015, the Steering Committee's comments on those responses and its recommendations.

In the first round of public consultation, the Steering Committee received a total of 75 written submissions from a range of respondents including various government bureaux and departments, statutory bodies or regulators, Legislative Councillors, political parties and civil and social organisations, as well as stakeholders from various sectors such as insurance, medicine, law and mediation.

The Steering Committee also held two consultation forums during the consultation period.

The majority of the responses received by the Steering Committee were supportive of the proposal that an apology legislation should be enacted in Hong Kong. Having considered the responses, the Steering Committee has made the following recommendations:

- (1) An apology legislation shall be enacted in Hong Kong.
- (2) The apology legislation shall apply generally to civil and other forms of non-criminal proceedings including disciplinary and regulatory proceedings with exceptions, on which public views are invited.
- (3) The apology legislation shall cover full apologies.
- (4) The apology legislation shall apply to the Government.
- (5) The apology legislation shall expressly preclude an admission of a claim by way of an apology from constituting an acknowledgment of a right of action for the purposes of the Limitation Ordinance (Cap 347).
- (6) The apology legislation shall expressly provide that an apology shall not affect any insurance cover or indemnity that is, or would be, available to the person making the apology and that any contracting out of the apology legislation should be prohibited or declared void.
- (7) The apology legislation shall take the form of a stand-alone legislation.
- (8) As to whether the apology legislation shall cover statements of fact in connection with the matter in respect of which an apology has been made, public views are invited.

In the light of certain responses received on a number of specific issues, the Steering Committee considered it appropriate to seek further views before making its final recommendations and decided to launch a second round of public consultation to seek views on these specific matters. These are:

- (1) Excepted proceedings to which the proposed apology legislation shall not apply;
- (2) Whether the factual information conveyed in an apology should likewise be protected by the proposed apology legislation; and
- (3) The draft Apology Bill as prepared by the Department of Justice.

The Steering Committee welcomes further comments

on these aspects.

The Consultation Report is now available on the website: www.doj.gov.hk/eng/public/apology.html. All submissions should be sent to the Steering Committee by mail to 2/F, East Wing, Justice Place, 18 Lower Albert Road, Central, Hong Kong; by fax to 3918 4523; or by email to mediation@doj.gov.hk. The consultation will end on April 5, 2016.

Ends/Monday, February 22, 2016