

## Final Report and recommendations on enactment of Apology Legislation published

\*\*\*\*\*

The Steering Committee on Mediation today (November 28) published the "Enactment of Apology Legislation in Hong Kong: Final Report and Recommendations" (the Final Report). It sets out the responses received during the second round public consultation conducted from February to April 2016, the Steering Committee's comments on those responses, its final recommendations and the latest draft Apology Bill.

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

In June 2015, the Steering Committee conducted the first round public consultation and the majority of the respondents supported the proposal that apology legislation should be enacted in Hong Kong. In February 2016, the Steering Committee published an interim report setting out its recommendations and conducted the second round public consultation on the following issues:

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

A total of 60 written submissions from a range of respondents including government bureaux and departments, statutory bodies or regulators, political parties, academics, civic and social organisations as well as

stakeholders from various sectors such as banking, engineering, medicine, law and mediation, were received by the Steering Committee.

After carefully considering the responses on the three issues under consultation, the Steering Committee made the following final recommendations:

(1) The proposed apology legislation should apply to all civil proceedings, including disciplinary and regulatory proceedings, with the exception of proceedings conducted under the Commissions of Inquiry Ordinance (Cap. 86), the Coroners Ordinance (Cap. 504) and the Control of Obscene and Indecent Articles Ordinance (Cap. 390). Further, a mechanism should be included in the draft Apology Bill to allow future amendments to be made to the schedule of excepted proceedings so as to allow flexibility.

(2) Factual information conveyed in an apology should likewise be protected by the proposed apology legislation, and the Court or tribunal in applicable proceedings should retain a discretion to admit such statements of fact as evidence against the maker of the apology when it is just and equitable to do so, having regard to all the relevant circumstances.

Further, responses received on the draft Apology Bill have been considered by the Steering Committee, and these are set out in the Final Report and reflected in the latest draft Apology Bill.

The Department of Justice agrees to these recommendations, and will seek to introduce the apology legislation in the legislative year 2016/17.

The Final Report is now available on the website of the Department of Justice: [www.doj.gov.hk/eng/public/apology.html](http://www.doj.gov.hk/eng/public/apology.html).

Ends/Monday, November 28, 2016