

Apology Bill put forward to promote dispute resolution

The Government will introduce the Apology Bill to state the legal consequences of making an apology in certain proceedings and legal matters. The main objective of the Bill is to promote and encourage the making of timely apologies in order to facilitate the amicable resolution of disputes.

A spokesman for the Department of Justice said today (January 25), "The introduction of the new legislation will provide certainty on the legal implications of making an apology by a party to a dispute in Hong Kong. Furthermore, Hong Kong will become the first jurisdiction in Asia to have apology legislation enacted, and this will help to further enhance Hong Kong's status as a centre for dispute resolution, especially in the context of mediation."

The Bill was formulated on the basis of the recommendations made by the Steering Committee on Mediation, which conducted two rounds of public consultation in June 2015 and February 2016. The Administration of Justice and Legal Services Panel of the Legislative Council was briefed about the apology legislation by the Steering Committee and the Department of Justice. The Panel and responses received during the two rounds of public consultation were supportive of the proposed legislation.

The spokesman added that the Bill provides for the effect of an apology in most civil proceedings including disciplinary proceedings and regulatory proceedings. Under the Bill, an apology does not constitute an admission of fault or liability, neither could it be taken into account nor is it admissible as evidence for determining fault or liability to the detriment of the apology maker. The Bill also provides that an apology does not void or otherwise affect any insurance cover under a contract of insurance or indemnity.

The Bill will be gazetted on Friday (January 27) and introduced into the Legislative Council on February 8.

Ends/Wednesday, January 25, 2017