

LCQ17: Making good use of Apology Ordinance to resolve disputes

\*\*\*\*\*

Following is a question by Dr the Hon Thomas So and a written reply by the Secretary for Justice, Mr Paul Lam, SC, in the Legislative Council today (February 25):

Question:

There are views pointing out that the Apology Ordinance (Cap. 631) (the Ordinance) clarifies the legal consequences of making an apology by stipulating that in most civil proceedings, an apology does not constitute an express or implied admission of fault or liability, thereby providing a safe and non-adversarial starting point for communication between parties in dispute and a new approach to resolving conflicts. In this connection, will the Government inform this Council:

- (1) whether it has assessed the effectiveness of Cap. 631 in easing conflicts and facilitating dispute resolution since it took effect on December 1, 2017;
- (2) as there are views that members of the public have limited understanding of Cap. 631, whether the Government has formulated measures to further step up publicity of the initiatives and purpose of the Ordinance to all sectors of society, thereby facilitating amicable dispute resolution; if so, of the details; if not, the reasons for that; and
- (3) to enhance application of Cap. 631, whether the Government will consider including the option of making an apology, applicable proceedings under the Ordinance and related content in the practice guides of various government departments to enable the Government to make good use of the Ordinance to prevent escalation of disputes and to resolve conflicts when encountering controversial public incidents or social disputes; if so, of the details; if not, the reasons for that?

Reply:

President,

In response to the enquiry raised by Dr the Hon Thomas So, the reply is as follows:

- (1) The legislative intent of the Apology Ordinance in Hong Kong is to provide clear stipulations regarding the effect of apologies in specified matters and applicable proceedings concerning those matters, thereby promoting and encouraging parties in dispute to voluntarily make apologies, with a view to preventing the escalation of disputes and facilitating their amicable resolution. The Ordinance does not compel anyone to make an apology.

Since its enactment, the primary effectiveness of the Ordinance has been providing society with a clear legal framework, addressing concerns that apologies may lead to admission of one's fault or liability. This encourages voluntary communication and

creates more favorable conditions for amicable resolution of disputes through means such as mediation. As evidence of an apology made is generally not admissible in applicable proceedings, and that apology and settlement processes conducted in private are not reflected in public records, it is difficult to quantify the effectiveness by statistics.

(2) The Department of Justice (DoJ) recognises the importance of continuously promoting the Ordinance to the public and various sectors and will disseminate the legislative intent and practical application of the Ordinance across different occasions and media as appropriate.

Specifically, the DoJ will integrate the promotion of the Ordinance and mediation in various suitable promotional activities (whether self-organised or co-organised ones). These include initiative such as the "Mediate First" Pledge Events and seminars arranged in collaboration with other Government departments (e.g. the Food and Environmental Hygiene Department). Through these platforms, we will explain to different sectors of society how apologies, as an effective communication method, can complement mediation and provide a more amicable and constructive path for dispute resolution. The DoJ will also utilise different channels, such as the regularly published Mediation Dispatch, to enhance awareness of the Ordinance among stakeholders and the general public. We believe that by incorporating the promotion of the Ordinance into the existing promotional framework for advocating effective dispute resolution, we can more effectively help the public and professionals understand and utilise apology to achieve the goals of promoting settlement and mitigating conflicts.

(3) The Ordinance applies to the Government. Within the Government, we encourage consideration of applying the principles advocated by the Ordinance in handling matters or disputes when appropriate.

In practice, the intent of the Ordinance complements the Government's "Mediate First" commitment and policy. For example, mediation clauses have been progressively incorporated into Government contracts to require contracting parties to first attempt resolving disputes through mediation. During these mediation processes, the legal protection offered by the Ordinance creates an environment more conducive to the engagement in open communication and exploration of settlement proposals (including apologies) for all parties involved, including Government departments.

Ends/Wednesday, February 25, 2026