



# Consultation Forum on Enactment of Apology Legislation in Hong Kong

11 July 2015

# The 7 Recommendations

## 1. An apology legislation is to be enacted in Hong Kong.

- \* The purpose of an apology legislation is not to compel a person to apologise but to prevent liability from being found or proved by an apology.
- \* Such purpose is achieved by provisions which prevent an apology from being admitted as evidence relevant to the determination of liability.

# The 7 Recommendations

- 2. The apology legislation is to apply to civil and other forms of non-criminal proceedings including disciplinary proceedings.**

# Issue

- **Insofar as non-criminal proceedings are concerned, whether the apology legislation should also apply to regulatory proceedings?**

# The 7 Recommendations

## 3. The apology legislation is to cover full apologies.

- \* A full apology is one that includes an admission of fault.
- \* In contrast, a partial apology does not acknowledge fault such as an expression of regret or sympathy.

# Issue

- **Whether the apology legislation should also apply to statements of facts accompanying an apology?**

# The 7 Recommendations

4. **The apology legislation is to apply to the Government.**

# The 7 Recommendations

- 5. The apology legislation expressly precludes 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.**



# The 7 Recommendations

- 6. The apology legislation expressly provides that an apology shall not affect any insurance coverage that is, or would be, available to the person making the apology.**

# The 7 Recommendations

- 7. The apology legislation is to take the form of a stand-alone legislation.**