

立法會
Legislative Council

LC Paper No. CB(4)1459/16-17
(These minutes have been seen
by the Administration)

Ref : CB4/BC/3/16

Bills Committee on Apology Bill

**Minutes of the third meeting
on Tuesday, 9 May 2017 at 4:30 pm
in Conference Room 1 of the Legislative Council Complex**

Members present : Hon Holden CHOW Ho-ding (Chairman)
Hon James TO Kun-sun
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon Paul TSE Wai-chun, JP
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon WU Chi-wai, MH
Hon Kenneth LEUNG
Hon Dennis KWOK Wing-hang
Hon Christopher CHEUNG Wah-fung, SBS, JP
Hon CHUNG Kwok-pan
Dr Hon Junius HO Kwan-yiu, JP
Hon YUNG Hoi-yan
Hon CHEUNG Kwok-kwan, JP
Dr Hon YIU Chung-yim

Members absent : Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon CHIANG Lai-wan, JP

[According to the Judgment of the Court of First Instance of the High Court on 14 July 2017, LEUNG Kwok-hung, Nathan LAW Kwun-chung, YIU Chung-yim and LAU Siu-lai have been disqualified from assuming the office of a member of the Legislative Council, and have vacated the same since 12 October 2016, and are not entitled to act as a member of the Legislative Council.]

**Public Officers
Attending**

: Agenda Item I

Department of Justice

Mr Simon LEE
Deputy Law Officer (Civil Law)

Miss Ada CHEN
Senior Assistant Law Officer (Civil Law)

Miss Shandy LIU
Senior Assistant Law Draftsman

Mr William LIU
Senior Government Counsel

**Clerk in
attendance**

: Ms Angel WONG
Chief Council Secretary (4)4

**Staff in
attendance**

: Mr Bonny LOO
Assistant Legal Adviser 4

Mr KWONG Kam-fai
Senior Council Secretary (4)4

Miss Mandy NG
Council Secretary (4)4

Ms Sandy HAU
Legislative Assistant (4)4

**Attendance by
Invitation**

: Agenda Item I

Hong Kong Mediation and Arbitration Centre

Mr SO Man-kit
Chairman

Mr Louis YEUNG Ka-fuk

Ms LAM Wing-kwan

Community Mediation Services Association

Mr Daniel CHOW Sai-ping
Founding Chairman

Continued Education Centre, St. James' Settlement

Mr LAU Yuen-cheung
Manager

DAB

Mr Johnny IP
Deputy Spokesperson of Legal Affairs

Rapport Action Community Development

Mr MOHAMMAD Kamran
Chairman

The Civic Party

Mr Brandon KOU Tin-yu
District Developer of the Kowloon West Branch

JC Professional Dispute Resolution Centre

Dr James CHIU
Founder and Director

Mr CHAN Wai-kit

Society for Community Organization

Mr Richard TSOI Yiu-cheong
Community organizer

Hong Kong Mediation Centre

Mr Alfred CHAN Ho-man
Vice President

Greater China Institute of Property Management

Dr FUNG Kwok-hung
President

Professor IU Ting-kwok

Dr Joseph LEUNG

The Patients and Healthcare Professionals
Rights Association

Mr CHOW Kar-ming
Vice Chairman

Hong Kong Social Workers and
Welfare Employees Union

Mr CHAN Yee-fei
副主席

Mr MA Kwok-ho

Mr Ryman WONG Tung-yau

Ms LUK Yee-ling

I. Meeting with deputations and the Administration

(LC Paper No. CB(4)966/16-17(01) -- List of follow-up actions arising from the discussion at the meeting on 15 March 2017)

Other relevant papers

(LC Paper No. CB(3)294/16-17 -- The Bill

File Ref.: CD/MED 012/1
Legislative Council Brief issued by the Department of Justice

- LC Paper No. LS29/16-17 -- Legal Service Division Report
- LC Paper No. CB(4)966/16-17(02) -- Assistant Legal Adviser's letter dated 20 March 2017 to the Administration
- LC Paper No. CB(4)609/16-17(02) -- Assistant Legal Adviser's letter dated 6 February 2017 to the Administration
- LC Paper No. CB(4)609/16-17(03) -- Background brief prepared by the Legislative Council Secretariat
- LC Paper No. CB(4)669/16-17(01) -- Administration's reply to Assistant Legal Adviser's letter dated 6 February 2017
- LC Paper No. CB(4)669/16-17(02) -- List of follow-up actions arising from the discussion at the meeting on 24 February 2017
- LC Paper No. CB(4)669/16-17(03) -- Administration's response to issues raised at the meeting on 24 February 2017
- LC Paper Nos. CB(4)966/16-17(11)-(13) and CB(4)1002/16-17(03) -- Written submissions from deputations/individuals not attending the meeting)

Action

The Bills Committee deliberated (index of proceedings attached at **Annex**).

2. The Bills Committee received views from 20 deputations/individuals attending the meeting and four written submissions from deputations/individuals which/who had not attended the meeting.

Follow-up actions by the Administration

3. The Administration was requested to provide information on the following:

- (a) detailed legal opinion concerning the decision maker's discretion to admit a statement of fact contained in an apology as evidence in applicable proceedings under clause 8(2) of the Bill; and

Action

- (b) a consolidated written response to the views and concerns raised by members and deputations.

(Post-meeting note: The Administration's written response was issued to members vide LC Paper No. CB(4)1085/16-17(02) on 24 May 2017.)

- 4. The Administration was also requested to consider the suggestion to undertake to review clause 8(2) after the enactment of the Bill as an Ordinance in the light of any court decisions regarding its interpretation and application.

II. Any other business

- 5. There being no other business, the meeting ended at 6:26 pm.

Council Business Division 4
Legislative Council Secretariat
24 July 2017

**Proceedings of the third meeting of the
Bills Committee on Apology Bill
on Tuesday, 9 May 2017 at 4:30 pm
in Conference Room 1 of the Legislative Council Complex**

Time marker	Speaker(s)	Subject(s)	Action required
Agenda Item I – Meeting with deputations and the Administration			
000644 - 001106	Chairman	Opening remarks	
001107 - 001415	Chairman Hong Kong Mediation and Arbitration Centre	Presentation of views	
001416 - 001623	Chairman Mr Louis YEUNG Ka-fuk	Presentation of views	
001624 - 001927	Chairman Ms LAM Wing-kwan	Presentation of views	
001928 - 002245	Chairman Community Mediation Services Association	Presentation of views [LC Paper Nos. CB(4)966/16-17(03) and CB(4)1015/16-17(01)]	
002246 - 002454	Chairman Continued Education Centre, St. James' Settlement	Presentation of views	
002455 - 002744	Chairman DAB	Presentation of views	
002745 - 002940	Chairman Rapport Action Community Development	Presentation of views [LC Paper No. CB(4)966/16-17(04)]	
002941 - 003207	Chairman The Civic Party	Presentation of views [LC Paper No. CB(4)1015/16-17(02)]	
003208 - 003513	Chairman JC Professional Dispute Resolution Centre	Presentation of views [LC Paper Nos. CB(4)966/16-17(05) and CB(4)1040/16-17(01)]	
003514 - 003648	Chairman Mr CHAN Wai-kit	Presentation of views [LC Paper No. CB(4)966/16-17(06)]	
003649 - 004010	Chairman Society for Community Organization	Presentation of views [LC Paper No. CB(4)1002/16-17(01)]	
004011 - 004344	Chairman Hong Kong Mediation Centre	Presentation of views [LC Paper No. CB(4)966/16-17(07)]	

Time marker	Speaker(s)	Subject(s)	Action required
004345 - 004642	Chairman Greater China Institute of Property Management	Presentation of views [LC Paper No. CB(4)966/16-17(08)]	
004643 - 005003	Chairman Professor IU Ting-kwok	Presentation of views [LC Paper No. CB(4)966/16-17(09)]	
005004 - 005254	Chairman Dr Joseph LEUNG	Presentation of views [LC Paper No. CB(4)966/16-17(10)]	
005255 - 005548	Chairman The Patients and Healthcare Professionals Rights Association	Presentation of views	
005549 - 005903	Chairman Hong Kong Social Workers and Welfare Employees Union	Presentation of views [LC Paper No. CB(4)1002/16-17(02)]	
005904 - 010209	Chairman Mr MA Kwok-ho	Presentation of views	
010210 - 010517	Chairman Mr Ryman WONG Tung-yau	Presentation of views	
010518 - 010830	Chairman Ms LUK Yee-ling	Presentation of views	
010831 - 011146	Chairman Administration	The Administration's response to the views and concerns expressed by the deputations	
011147 - 012013	Ms Claudia MO Professor IU Ting-kwok Administration	Discussion on the decision maker's discretion to admit statements of fact as evidence and the meaning of "just and equitable" under clause 8(2)	
012014 - 012458	Mr Kenneth LEUNG Professor IU Ting-kwok Society for Community Organization	Discussion on the meaning and effect of clause 8(2)	
012429 - 013133	Dr Priscilla LEUNG The Patients and Healthcare Professionals Rights Association Hong Kong Mediation and Arbitration Centre Society for Community Organization	Discussion on the admissibility of evidence of apology under exceptional cases and the operation of clause 8(2)	
013134 - 013526	Dr Junius HO Administration	Discussion on the meaning and effect of clauses 8(2) and 10	
013527 - 014035	Chairman Administration	Discussion on whether decision makers who were not judges or legally qualified persons could properly exercise the discretion under clause 8(2)	

Time marker	Speaker(s)	Subject(s)	Action required
014036 - 014132	Mr Kenneth LEUNG Administration	Discussion on the meaning and effect of clauses 8(2) and 10	
014133 - 015155	Mr Kenneth LEUNG JC Professional Dispute Resolution Centre Society for Community Organization Administration	Discussion on whether decision makers who were not judges or legally qualified persons could properly exercise the discretion under clause 8(2)	
Agenda Item II – Any other business			
015156 - 015512	Chairman Mr Kenneth LEUNG	Follow-up actions by the Administration Closing remarks	Paragraphs 3 and 4 of the minutes refers