

立法會
Legislative Council

LC Paper No. CB(4)1461/16-17
(These minutes have been seen
by the Administration)

Ref : CB4/BC/3/16

Bills Committee on Apology Bill

Minutes of the fifth meeting
held on Tuesday, 13 June 2017 at 4:30 pm
in Conference Room 1 of the Legislative Council Complex

- Members present** : Hon Holden CHOW Ho-ding (Chairman)
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
Dr Hon CHIANG Lai-wan, JP
Hon CHUNG Kwok-pan
Dr Hon Junius HO Kwan-yiu, JP
Hon YUNG Hoi-yan
Hon CHEUNG Kwok-kwan, JP
- Members absent** : Hon James TO Kun-sun
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon YIU Chung-yim

[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 : Item I
attending

Department of Justice

Miss Ada CHEN
Senior Assistant Law Officer (Civil Law)

Miss Shandy LIU
Senior Assistant Law Draftsman

Mr William LIU
Senior Government Counsel

Clerk in : Ms Angel WONG
attendance : Chief Council Secretary (4)4

Staff in : Mr Bonny LOO
attendance : Assistant Legal Adviser 4

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

Ms Sandy HAU
Legislative Assistant (4)4

Action

I. Meeting with the Administration

Clause-by-clause examination of the Bill

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

LC Paper No. CB(4)1210/16-17(01) -- Administration's letter dated
8 June 2017 containing
proposed Committee stage
amendments to the Apology
Bill)

Action

Other relevant papers

- | | |
|----------------------------------|---|
| (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)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 No. CB(4)966/16-17(01) | -- List of follow-up actions arising from the discussion at the meeting on 15 March 2017 |
| 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)1038/16-17(01) | -- Administration's response to issues raised at the meeting on 15 March 2017 |

Action

- LC Paper No. CB(4)1085/16-17(01) -- List of follow-up actions arising from the discussion at the meeting on 9 May 2017
- LC Paper No. CB(4)1085/16-17(02) -- Administration's response to issues raised at the meeting on 9 May 2017
- LC Paper No. CB(4)1086/16-17(01) -- Administration's reply to Assistant Legal Adviser's letter dated 20 March 2017)

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

Clause-by-clause examination of the Bill

2. The Bills Committee completed the examination of clauses 4 to 7 of the Bill.

(At about 6:30 pm, the Chairman informed members that the meeting would be extended for 15 minutes.)

II. Any other business

Date of next meeting

3. The Chairman reminded members that the next meeting would be held on 19 June 2017 at 8:30 am to continue the clause-by-clause examination of the Bill.
4. There being no other business, the meeting ended at 6:48 pm.

Council Business Division 4
Legislative Council Secretariat
24 July 2017

**Proceedings of the fifth meeting of the
Bills Committee on Apology Bill
On Tuesday, 13 June 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 the Administration			
000809 - 001044	Chairman	Opening remarks	
001045 - 001428	Chairman Administration Dr CHIANG Lai-wan	<u>Examination of clause 4</u> Discussion on the meaning and effect of clause 4(3)(a)	
001429 - 001715	Chairman Mr Dennis KWOK	Mr KWOK's view on the Administration's proposed Committee stage amendment ("CSA") to clause 8(2)	
001716 - 002417	Chairman Administration Dr CHIANG Lai-wan Ms Claudia MO	<u>Examination of clause 5</u> Discussion on the drafting of clause 5(1)	
002418 - 003027	Ms Claudia MO Administration Assistant Legal Adviser 4 ("ALA4") Dr CHIANG Lai-wan	<u>Examination of clause 4</u> Discussion on the Chinese rendition of "regret" as "歉意、懊悔、遺憾" under clause 4(1) and the meaning of "implied admission of the person's fault or liability" under clause 4(3)(a)	
003028 - 011332	Chairman Dr CHIANG Lai-wan Administration ALA4 Ms Claudia MO Ms YUNG Hoi-yan Mr Kenneth LEUNG Mr CHUNG Kwok-pan	<u>Examination of clause 5</u> Discussion on the meaning and effect of clause 5(2), and the application of the procedural aspects of the Bill (e.g. non-admissibility of evidence of an apology to the prejudice of the apology maker under clause 8) to apologies made outside Hong Kong so long as the applicable proceedings were conducted in Hong Kong	
011333 - 012603	Chairman Administration Dr CHIANG Lai-wan ALA4 Mr Kenneth LEUNG	<u>Examination of clause 6</u> Discussion on applicable proceedings to be covered under clause 6(1)	
012604 - 014248	Chairman Ms Claudia MO Administration ALA4 Mr Kenneth LEUNG Dr CHIANG Lai-wan	Discussion on non-applicable proceedings specified under clause 6(2) and in the Schedule, and whether proceedings under the Hong Kong Civil Aviation (Investigation of Accidents) Regulations (Cap. 448B) would be non-applicable proceedings under the Schedule	

Time marker	Speaker(s)	Subject(s)	Action required
014249 - 014720	Chairman Dr CHIANG Lai-wan Administration ALA4	<u>Examination of clause 7</u> Dr CHIANG's seeking clarification on clause 7(1)	
014721 - 022105	Chairman Mr Michael TIEN Administration Mr Dennis KWOK Mr Kenneth LEUNG Dr Julius HO Dr CHIANG Lai-wan	<u>Examination of clause 8</u> Discussion on the effect of clause 8(2) and the Administration's proposed CSA to clause 8(2) <i>(The Chairman announced that the meeting would be extended for 15 minutes.)</i> Discussion on the definition of "decision maker" under clause 8(4)	
Agenda Item II –Any other business			
022106 - 022200	Chairman	Date of next meeting Closing remarks	

Council Business Division 4
Legislative Council Secretariat
24 July 2017