

**立法會**  
**Legislative Council**

LC Paper No. CB(4)1462/16-17  
(These minutes have been seen  
by the Administration)

Ref : CB4/BC/3/16

**Bills Committee on Apology Bill**

**Minutes of the sixth meeting  
held on Monday, 19 June 2017 at 8:30 am  
in Conference Room 3 of the Legislative Council Complex**

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

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 : 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

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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

LC Paper No. CB(4)1248/16-17(01) -- Administration's letter dated 15 June 2017 containing the revised draft Committee stage amendment to clause 8(2) of the Apology Bill)

Issues arising from previous meeting

(LC Paper No. CB(4)1248/16-17(02) -- List of follow-up actions arising from the discussion at the meeting on 9 June 2017

LC Paper No. CB(4)1248/16-17(03) -- Administration's response to issues raised at the meeting on 9 June 2017)

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

Action

- 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
- 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 clause-by-clause examination of the Bill.
3. Members raised no query on the Administration's proposed Committee stage amendments ("CSAs") to clause 8(2) of and the Schedule to the Bill.

Legislative timetable

4. Members noted the Administration's intention to resume the Second Reading debate on the Bill at the Council meeting of 12 July 2017. No members raised objection. The Chairman would make a verbal report on the deliberations of the Bills Committee to the House Committee on 23 June 2017. The deadline for giving notice of moving CSAs to the Bill, if any, would be 3 July 2017.

Action

**II. Any other business**

5. There being no other business, the meeting ended at 9:56 am.

Council Business Division 4  
Legislative Council Secretariat  
24 July 2017

**Proceedings of the sixth meeting of the  
Bills Committee on Apology Bill  
on Monday, 19 June 2017 at 8:30 am  
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker(s)	Subject(s)	Action required
<b>Agenda Item I –Meeting with the Administration</b>			
001146 - 001404	Chairman	Opening remarks	
001405 - 001506	Chairman Administration	<u>Examination of clause 8</u>  Continuation of the discussion on clause 8(2)  Briefing by the Administration on its revised Committee stage amendment ("CSA") to clause 8(2) [LC Paper No. CB(4)1248/16-17(01)]	
001507 - 003727	Chairman Mr Kenneth LEUNG Ms Claudia MO Administration Assistant Legal Adviser 4 ("ALA4") Dr YIU Chung-yim	Discussion on the Administration's revised CSA to clause 8(2)  The Bills Committee had no objection to the Administration's revised CSA to clause 8(2)	
003728 - 003945	Chairman Administration	<u>Examination of clause 9</u>  Members raised no question	
003946 - 004140	Chairman Administration	Chairman's seeking further clarification on the definition of "decision maker" under clause 8(4)	
004141 - 011255	Chairman Administration ALA4 Mr Paul TSE Mr Kenneth LEUNG	<u>Examination of clause 10</u>  Discussion on the effect of the Bill on the insurance cover if the governing law of a contract of insurance or indemnity was a foreign law, 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 applicable proceedings conducted in Hong Kong regardless of the substantive governing law	
011256 - 012213	Chairman Administration ALA4 Mr Paul TSE Mr James TO	<u>Examination of clause 11</u>  Discussion on the effect of the Bill on discovery procedure in applicable proceedings, and the Administration's clarification that "discovery, or a similar procedure" did not include cases where an apology maker was summoned by the relevant authority or tribunal in regulatory or disciplinary proceedings to produce a letter of apology	

<b>Time marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action required</b>
012214 - 012350	Chairman Mr James TO Administration	Mr TO's view on the Administration's revised CSA to clause 8(2)	
012351 - 012509	Chairman Administration	<u>Examination of clauses 12 to 13</u>  Members raised no question	
012510 - 012755	Chairman Administration	<u>Examination of the Schedule</u>  The Bills Committee had no objection to the Administration's proposed CSA to the Schedule to exclude the proceedings of Legislative Council from the application of the Bill	
012756 - 012847	Chairman Administration ALA4	Completion of clause-by-clause examination of the Bill	
012848 - 013022	Chairman Administration	Legislative timetable	
<b>Agenda Item II –Any other business</b>			
013023 - 013102	Chairman Administration	Closing remarks	

Council Business Division 4  
Legislative Council Secretariat  
 24 July 2017