

Bills Committee on Apology Bill

**List of follow-up actions arising from the discussion
at the meeting on 24 February 2017**

1. It is noted from paragraph 2 of the Legislative Council Brief [File Ref.: CD/MED 012/1] that under the current law of Hong Kong, there is no assurance that an apology could not be relied on by a plaintiff in civil proceedings as evidence of admission of fault or liability on the part of the defendant (i.e. the party making the apology). The Administration is requested to provide a summary of court cases in the past to illustrate the guiding principles for determining whether an apology that mixed with a statement of fact would be used as evidence of admission of fault or liability on the part of the apology maker.
2. According to the Administration, one of the considerations for the current drafting of clause 8(2) (i.e. providing discretion to admit statement of fact contained in an apology as evidence under exceptional case), is whether there would be any possible contravention of the Basic Law or the Hong Kong Bill of Rights. The Administration is requested to provide its legal opinion in details concerning such consideration.
3. The Administration is requested to consider specifying explicitly that clause 10 would apply to the "exceptional case" under clause 8(2).
4. The Administration is requested to consider fine-tuning the drafting of clause 13 to avoid the perception that the Ordinance will only apply to the Government.