

From: "Daniel S. P. Chow" <[REDACTED]>
To: "bc_103_16@legco.gov.hk" <bc_103_16@legco.gov.hk>

Date: Tuesday, May 09, 2017 11:51PM

Subject: Further Submission to Apology Bill for Public Hearing on 9 /5/2017

Clerks To Bill Committee on Apology Bill,

Legislative Council Secretarial,

Further Submission on Apology Bill for Public Hearing on 9/5/2017

Dear Sir/Madam,

Further to the public hearing on 9/5/2017 and after discussion with some parties attending the hearing , I would like to make the following proposal on section 8.2 concerning the parties accepted as decision makers on the acceptance of the 'statement of facts' as evidence:-

We propose to accept only the courts as the independent decision makers on exceptions of the legislation and the acceptance of evidence due to the following reasons:-

- 1) The public in general only accepts the courts as reliable independent decision makers on laws.
- 2) If the other parties apart from the courts are accepted, this itself would create more disputes . From community mediation point of view, we should not create chances for more disputes.
- 3) In order to achieve the original purpose of this legislation, it is considered that we should make this legislation harder to accept exception rather than easier. Anyway, it is generally considered that exception is really rare.
- 4) During the public hearing, the Government representative considered existing committee members are capable of dealing with matters on this issue. However, the Government has not

considered the fact that we are not talking about what they or the committee members themselves consider as suitable or capable. It is the impression of the parties and the public we are talking about.

So, we urge the Government to consider more from the community point of view on this important piece of bills, which is mainly intended for the public and the community.

5) The wordings to include other parties apart from the court only makes the administration procedures easier for existing committees in various professional bodies, but it would create more disputes in itself and the saving in administration effort is really not worth it. Anyway, as it is pointed out earlier, we should make it harder and not easier to accept exception. Even experienced person like Dr. James Chiu has doubts on existing wordings and accepts the court as the only reliable independent decision makers on laws.

Community mediation is about solving problems right at the beginning. So we urge the Government to consider more on the details of wordings and NOT to create disputes in future for the purpose of convenience at the beginning.

Regards,

Daniel Chow.

Founding Chairman,

Community Mediation Services Association.