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Cc: James Chiu [REDACTED]

Date: Friday, May 12, 2017 03:36PM
Subject: Further Submission on Apology Bill.

Dear Mr. Hon Holden Chow,

At the Bills Committee on Apology Bill Meeting held on 9 May 2017, I have the impression that most people, especially the patients' groups, are in favour of Clause 4(3) (b), i.e. "The apology also includes any part of the expression that is a statement of fact in connection with the matter". What some of them are worried is the discretion made by the "decision maker" in Clause 8 (2) . I further observe that they trust the judges in the courts to exercise discretions. What they are worried, and I am too, is the clause "any other body or individual having the authority to hear, receive and examine evidence in the proceedings". What if the decision maker does not have the expertise and background to exercise the discretion based on Clause 8(3). Even though I have LLB (Hons.) Lond. degree, I will still feel more comfortable if I can have legal advice before I exercise such discretion, if I were the Chairman of a Disciplinary Tribunal.

For the consideration of the members of the Bills Committee on Apology Bill, I would like to suggest that Clause 8 (5) be amended to read
"(5) In this section--
decision maker (裁斷者), in relation to applicable proceedings, means a judge, an adjudicator, an arbitrator, or a person of any body or individual having the authority to hear, receive and examine evidence in the proceedings, and also the necessary legal advice to exercise the discretion."

Please keep me informed of any future meetings of the Bills Committee and the LegCo on Apology Bill, because I don't want to miss any and I may have further views to submit. I am for the Apology Legislation, and I hope I can contribute in my little way to help to make it pass smoothly and also to cause minimal hazards to the citizens of Hong Kong after it is enacted.

Best Regards,
James S.P. CHIU,
[REDACTED]