

Bills Committee on Apology Bill

**List of follow-up actions arising from the discussion
at the meeting on 15 March 2017**

Hon James TO cited an example where a plaintiff in civil proceedings had requested the defendant who wished to make an apology to do so via two separate letters whereby one was a bare apology (i.e. an expression of regret, sympathy or benevolence) without facts while the other was a pure statement of facts without any expression of regret, sympathy or benevolence. In accordance with the provisions of the Bill as currently drafted, the Administration was requested to:

- (a) clarify whether the second-mentioned letter with a pure statement of fact would be treated as part of the apology within the meaning of clause 4(3)(b) and be protected by the Bill;
- (b) specify explicitly in the Bill whether such pure statement of fact contained in a separate document from the first-mentioned letter of apology could or could not be admitted as evidence against the defendant in applicable proceedings; and
- (c) explain how to address the concerns about the difficulties that a plaintiff might encounter in requesting the defendant to provide a pure statement of fact if the defendant only disclosed facts as part of an apology so that the facts conveyed would be protected by the Bill and could not be relied on as evidence against the defendant in applicable proceedings.