



5 April 2016

Ms. FUNG Mei Fung, Jenny
Secretary to the Steering Committee on Mediation
Department of Justice
2/F, East Wing, Justice Place,
18 Lower Albert Road,
Central, Hong Kong

Dear Ms. FUNG,

Enactment of Apology Legislation in Hong Kong

Thank you for the invitation of the Steering Committee on Mediation. In your letter dated 22nd February 2016, Hong Kong Mediation Centre and the President were invited to take part in the 2nd round public consultation.

We have studied the report and the recommendations of the Steering Committee. Our comments are appended below please.

- 1) We support that the Apology Legislation should cover all civil and other forms of non-criminal proceedings including disciplinary proceedings. We consider that excepted proceedings, if any, will defeat the purpose of the legislation. The parties concerned might refuse to offer any apology to avoid any possibility of prejudicing themselves in the disciplinary proceedings;
- 2) We recommend the factual information conveyed in an apology should be protected by the proposed apology legislation. If the factual information conveyed in an apology is not protected, it will defeat the purpose of the legislation. The parties concerned will not take any risk to any possibility of prejudicing themselves in any future proceedings. Besides, protecting the factual information will not jeopardize the right of the "Victim" or "Plaintiff" to obtain the relevant information by other means. Instead, the factual information conveyed will otherwise provide the hints to discover the evidences in future proceedings. In fact, clause 10 of the draft Apology Bill should have given adequate protection on discovery, and



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3) We support the draft Apology Bill as prepared by the Department of Justice.

Thanks for your kind attention.

Yours sincerely,

LAW Wai Hung Francis
President
Hong Kong Mediation Centre