



1 August 2015

Ms FUNG Mei Fung Jenny
Secretary to the Steering Committee on Mediation
Department of Justice
10/F., Rumsey Street Multi-storey Carpark Building,
2 Rumsey Street, Sheung Wan,
Hong Kong

Dear Ms Fung,

We refer to your letter dated 22 June 2015 regarding Public Consultation on the Enactment of Apology Legislation in Hong Kong, Hong Kong Mediation Centre had prepared the comments on the recommendations contained in the Consultation Paper as follow:

- 1) Hong Kong Mediation Centre supports an apology legislation to be enacted in Hong Kong. We considered that the legislation would be helpful in promoting Hong Kong as a harmony society and alleviate the painful and sorrow feelings of the victims and/or their relatives.
- 2) Hong Kong Mediation Centre supports the apology legislation to be applied to civil and other forms of non-criminal proceedings including disciplinary proceeding. We consider that this recommendation would be best suit the actual needs of the public and/or their related people.
- 3) Hong Kong Mediation Centre supports the legislation covers full apologies. We consider that a partial apology is not sincere enough to remove the painful and sorrow feeling. It likes a hollow apology without any sincerity. In another way round it will cause distrust and negative impression.
- 4) Hong Kong Mediation Centre supports the apology legislation to apply to the Government. The Government is an important stakeholder in the society; there is no valid reason to exclude her in the legislation.



5) Hong Kong Mediation Centre supports that the apology legislation shall expressly preclude an admission of a claim by the way of an apology form constituting an acknowledgement of a right of action for the purposes of the Limitation Ordinance.

6) Hong Kong Mediation Centre supports that the apology legislation expressly provides that and apology shall not affect any insurance coverage that is, or would be available to the person making the apology. We consider that without this provision, person will be hesitated to make the apology or they have risk of being rejected by the insurer for any subsequent claims.

7) Hong Kong Mediation Centre supports that the apology legislation to take the form of a stand-alone legislation. We consider that to make the legislation more effective and to encourage covering greater prospective that it shall not be limited to be applied within the Mediation Ordinance or any other separated legislation.

Other comments:

If the legislation protects the Statement of Facts accompanying apology, it shall also expressly protect the rights of the plaintiff in adducing the evidence or information which is subject to discovery in civil proceedings or to other similar procedures in which parties are required to disclose documents in their possession, custody or power.

Thank you for your kind attention.

Yours sincerely,

Law Wai Hung Francis

President

Hong Kong Mediation Centre