

Submission by the Civic Party On Apology Bill

1. Civic Party (“CP”), in principle, supports the introduction of Apology Bill (the “Bill”) and its objective to promote and encourage the making of apologies by providing a clear legal framework to delink the legal relationship between the making of apologies and admission of liability.
2. CP particularly anticipates that the Bill will facilitate resolution of disputes, by encouraging discussions for settlements after the making of apologies but before the court or tribunal proceedings.
3. CP wishes the Administration to clarify whether the Bill would have an impact on the burden of proof of parties of civil disputes.
4. CP worries about possible backlash of the Bill that parties allegedly at fault in disputes would make apologies disregarding the actual circumstances, as a result making meaningless or empty apologies which would neither prevent escalation of disputes nor facilitate amicable settlement. The Administration should elaborate on this issue at the subcommittee stage of the Bill at the Legislative Council.
5. CP is also concerned with the express discretion given to the decision maker by Clause 8 of the Bill to admit statement of fact contained in an apology as evidence. Particularly, the list of exceptional circumstances is non-exhaustive and the Administration merely provides one case scenario of exceptional circumstances, i.e. for example, where there is no other evidence available for determining an issue. CP wishes to inquire into other case scenarios where discretion may be exercised.
6. CP reiterates its support for the Bill as a policy to facilitate settlement of disputes but wishes that the Administration could clarify the above issues.

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