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Who We Are

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On 13th July 2017, the Legislative Council passed The Apology Bill and The Apology Ordinance (Cap 631) has become effective on 1st December 2017. The enactment of the Ordinance, which is the first apology legislation in Asia jurisdiction, was triggered by the legislative intent to encourage burden-free apologies and ultimately prevent escalation of disputes. Under the protection of the Ordinance, a party making an apology will not be constituting an admission of fault and the apology must not be a determining factor of liability. Moreover, evidence of the apology will generally be inadmissible.

What kind of “Apology”?  
Under section 4 of the Ordinance, an “apology” is defined as “an expression of the person’s regret, sympathy or benevolence in connection with the matter”. The apology could be oral, written or by conduct, such as taking bows of apology or offering to pay. In addition, the protection of the Ordinance covers not only ‘partial’ apology (where people say sorry and express their regret) but also ‘full’ apology (where people admit fault in their apology) and statement of facts.

However, there are also exceptions where the Ordinance does not apply. An apology that is orally given in a hearing or one that is being adduced as evidence with the consent of the apology maker will not be protected under the Ordinance. It is also inapplicable to apologies that are made in submitted documents such as witness statements and pleadings. Such apologies will be admissible to the court and could be taken into account in finding liability.

Significance  
When compared to other countries, the Apology Law in Hong Kong enjoys a broader coverage of apologies than all other jurisdictions in the world. The apology legislation in many jurisdictions, such as the United Kingdom, cover ‘partial’ apologies only. Meanwhile, the legislature in Hong Kong has decided that the mere protection of ‘partial’ apologies would limit the effectiveness of dispute settlement, hence extended the coverage of the Law to ‘full’ apologies. This may benefit Hong Kong by enhancing Hong Kong’s position as a centre for international dispute resolution in Asia.

Yet, uncertainties in the Ordinance exist. Although statements of fact included in an apology are generally inadmissible, there is an exception that such statements may be admitted at the discretion of the decision maker where he/she is satisfied that it is “just and equitable” to do so with regard to “the public interest or interests of administration of justice”. As decision makers may not have sufficient legal background, this may lead to satellite litigations which contradict with the legislative intent of reducing litigations.
WESTLAW TIPS
LEARN HOW TO USE WESTLAW WISELY

**+S**
The first term preceding the second within the same sentence

TRY TYPING "+s" BETWEEN TWO WORDS, WESTLAW WILL GIVE YOU DOCUMENTS CONTAINING THE FIRST TERM, FOLLOWED BY THE SECOND TERM IN THE SAME SENTENCE

E.G.
Type "Burden +s proof" to get search results containing BURDEN, followed by PROOF in the same sentence

**+p**
The first term preceding the second within the same paragraph

TRY TYPING "+p" BETWEEN TWO WORDS, WESTLAW WILL GIVE YOU DOCUMENTS CONTAINING THE FIRST TERM, FOLLOWED BY THE SECOND TERM IN THE SAME PARAGRAPH

E.G.
Type "Right +p counsel" to get search results containing RIGHT, followed by COUNSEL in the same paragraph

**/n**
Search terms within 'n' terms of each other (n=number from 1 to 255)

TRY TYPING "/n" (n=NUMBER) BETWEEN TWO WORDS, WESTLAW WILL GIVE YOU DOCUMENTS CONTAINING THE TWO TERMS THAT ARE n WORDS APART

E.G.
Type "Person /3 jurisdiction" to get search results containing PERSON and JURISDICTION that are 3 words apart

**+n**
The first term preceding the second by 'n' terms (n=number from 1 to 255)

TRY TYPING "+n" (n=NUMBER) BETWEEN TWO WORDS, WESTLAW WILL GIVE YOU DOCUMENTS CONTAINING THE FIRST TERM PRECEDING THE SECOND BY n TERMS IN THE SAME SENTENCE

E.G.
Type "Capital +3 punishment" to get search results containing CAPITAL, then after 3 terms, PUNISHMENT in the same sentence
WHO WE ARE

Westlaw Asia Hong Kong Student Representatives (WSRs) are a group of students that are here to assist and promote the use of Westlaw as a source of online legal research at The University of Hong Kong.

The WSRs this year are (from the left of the above photo): Kelly, Chris, Joshua, Helena and Jessica.

CONSULTATION HOURS

Feel free to find the WSRs in the Law Library (1/F) if you have any problems when using Westlaw!

Monday 17:30-18:30 (Joshua)
Tuesday 15:30-16:30 (Kelly)
Wednesday 16:30-17:30 (Jessica)
Thursday 13:30-14:30 (Helena)
Friday 13:30-14:30 (Chris)