

3 April 1984

Press Statement on Contribution

The Law Reform Commission of Hong Kong today published its Report on the Law Relating to Contribution between wrongdoers.

2. The Attorney General, Mr Michael Thomas, QC, the Chairman of the Law Reform Commission, said in releasing the Report that the topic had been thoroughly researched for the Commission, initially by a sub-committee headed by Mr Edmund Y.S. Cheung, and subsequently by Mr Robert Allcock of the University of Hong Kong's School of Law. The sub-committee had been assigned the task of looking at the subject in October 1981 and had submitted its report to the Law Reform Commission in August 1983.

3. The law on the subject in Hong Kong and a number of other jurisdictions had been examined both by the Sub-committee and the Commission before a final unanimous Commission Report had been produced.

4. The Commission had found in the course of its deliberations that in certain circumstances where a person suffered harm as a result of the actions of others, the injured party might not be able to recover damages from all those responsible. Furthermore, circumstances could arise where one of the wrongdoers would become liable to pay all the damages for the harm suffered by the injured party without being able to claim a contribution from other persons who might also be responsible for that harm. The Commission concluded that the right to contribution should be available whenever two or more persons are liable in respect of the same damage, and whether the damage arose from a tort, a breach of contract, a breach of trust or otherwise.

5. The Report considered in detail the provisions of the Civil Liability (Contribution) Act 1978 in England and found that in general those provisions were suitable for application in Hong Kong. However, in some areas the Report had departed from the English approach and, the Commission believed, had improved upon it.

6. A spokesman for the Commission said that the Report would be sent to the Government. A decision on implementing the Commission's recommendations would be taken when they had been fully considered by Government.