

## REPORT OF THE SPECIAL COMMITTEE ON PERSONAL INJURIES 2015

The Special Committee continued in its effort to appeal to the Marine Department to procure changes to the Merchant Shipping (Limitation of Shipowners Liability) Ordinance (Cap. 434), which extends the *per capita* limit of 46,666 SDR (approximately HK\$500,000) under Article 7 of the Athens Convention to regional transport (i.e. carriage by sea between Hong Kong and neighbouring ports such as Macau and those in southern China).

In contradistinction, there is no limit to personal injury claims arising from accidents on land in Hong Kong. Given the volume of carriage by sea within the region, there is no justification for the disparity in the approach between accidents on land and at sea. The Special Committee will continue to advance the cause towards the elimination of such disparity.

Along the same vein, despite the substantive increase in the liability limit brought about by the commencement on 3<sup>rd</sup> May 2015 of the Merchant Shipping (Limitation of Shipowners Liability) Ordinance (Amendment) Ordinance (Ord. No.1 of 2005), the Special Committee has continued to look into the unwarranted limitation of personal injury claims per event by reference to tonnage of vessels under Article 6 of the Convention on Limitation of Liability for Maritime Claims, 1976 as applied to local vessels by virtue of s.14 of Cap. 434.

The Special Committee met with The Honourable Mr. Justice Bharwaney (the PI Judge) on 27<sup>th</sup> November 2015 along with the Director of Legal Aid and his staff as well as representatives of the Law Society of Hong Kong to exchange views on a wide array of topics (including the impact of the Personal Data (Privacy) Ordinance (Cap. 486) on discovery in personal injury cases, the viability and desirability of Periodical Payments Order, deficiency in the Employees Compensation Assistance Fund Scheme, anonymity arrangement for applications under RHC O.80, rr.10 and 11 and ramifications of the proposed increase in jurisdiction of the District Court from HK\$1.0m to HK\$3.0m).

The various topics identified at the said meeting will set the tone of the work of the Special Committee in the following year.

It remains for me as Chairman to thank each and every member of the Special Committee for their good work and staunch support in the past year. They are namely, Ruy Barretto SC, Nicholas Pirie, Corrine Remedios, Ashok Sakhrani, Christina Lee, Julia Lau, Kamlesh Sadhwani and Eric Tsoi.

Dated this 14th day of December 2015.

Raymond Leung SC  
Chairman of the Special Committee  
on Personal Injuries