

REPORT OF THE SPECIAL COMMITTEE ON PERSONAL INJUIRES

The Special Committee has followed up on several important topics, including the assessment of Discount Rate in ascertaining the appropriate multipliers for the computation of damages in personal injury cases and the inadequacy and deficiency in the scheme of compulsory insurance for marine accidents. Further, the Special Committee has worked closely with the Special Committee on Legal Aid to keep track on the provision of legal assistance for prosecuting personal injury claims.

The issue of Discount Rate came to a head with the judgment of Bharwaney, J in Chan Pak Ting v. Chan Chi Kuen [2013] 2 HKLRD 1, which took into account the highly unusual state of the financial market characterized by high inflation and low interest rate. There has been no effective appeal from the judgment and it affords guidance for practitioners until such time when the issue is re-visited by the court in future.

Over the years, the Special Committee has played a pivotal role in bringing about compulsory insurance for marine accidents. However, due to compromise made by those responsible for and/or involved in the legislative process, the current level of insurance is insufficient. The marine disaster off Lamma Island on 1st October 2012 has engendered much attention from all quarters. It has also accentuated the problems attendant upon the inadequacy in the limits and deficiency in the coverage of insurance for marine accidents under the Merchant Shipping (Local Vessels) (Compulsory Third Party Risks) Insurance Regulations (Cap. 548H).

Another major concern is that there is no equivalent of the Motor Insurers Bureau in respect of marine accidents. Quite often, victims of "*hit and run*" accidents at sea will find themselves remediless.

The Special Committee has taken up these issues with the Marine Department in a meeting in December 2012 followed by exchange of correspondence. The Marine Department is awaiting the result of an actuarial study into the viability of implementing

higher limits of insurance. The Special Committee will continue to closely follow-up on this issue.

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

I would also extend a tribute to Nicholas Pirie for his resourcefulness and incessant effort in gathering valuable information for the advancement of the work of the Special Committee. A special vote of thanks goes to Eric Tsoi for his time and effort in keeping the minutes of meetings.

Dated this 16th day of December 2013

A handwritten signature in black ink, appearing to read 'Raymond Leung', written in a cursive style.

Raymond Leung
Chairman of the Special Committee
on Personal Injuries