

The Standing Committee is responsible for establishing standards and rules and formulating policies on the education, training and regulation of solicitors, and on their conduct and practice management.

The Standing Committee convened 10 meetings to oversee the activities of the Department of Standards and Development, and to consider recommendations of the Committees and Working Parties under its umbrella.

## Legislative Amendments

The Standing Committee considers amendments to the *Legal Practitioners Ordinance* ("LPO") and its subsidiary legislation, *The Law Society's Practice Directions, Information Packages* and *The Hong Kong Solicitors' Guide to Professional Conduct*, Volume 1, second edition ("*Conduct Guide*").

The following amendments were made during the year:

### Information Package for Registration as an Association between a Hong Kong solicitors' firm and a registered foreign firm

This *Information Package* was amended in March to clarify that although the firms in an Association are allowed to share fees, profits, premises, management or employees, they are not allowed to use their respective clients accounts. Their staff are also not allowed to supervise and be in charge of the practice of the other firm in the Association.

### Notification of Changes to a Practice

The *Notification* was amended in May to clarify that law firms are required to notify The Law Society if they have expanded their offices by adding a separate additional unit.

### Information Package for Registration as a Foreign Law Firm

A new paragraph D was introduced to this *Information Package* in May to clarify that if a registered foreign firm wishes to add another jurisdiction in addition to the jurisdiction previously notified to The Law Society in support of its first registration, it should provide The Law Society with all supporting documents to establish that it complies with all registration requirements for that jurisdiction.

## Proposed Legislative Amendments

The following proposals on legislative amendments were considered by the Standing Committee and the Council:

### LPO

#### Forms 1B, 1C, 2-4 of the Admission and Registration Rules ("AR Rules")

Section 4(1A)(a) of the *LPO* and Forms 1B, 1C, 2-4 of the *AR Rules* are proposed to be amended to clarify that the reference point of the 3-month residency requirement prior to admission should be the date of application for a certificate of eligibility for admission, not the admission date.

Section 31A of the *LPO* is proposed to be amended enabling a solicitor advocate who has the requisite experience to be appointed as a Senior Counsel.

Approval in principle of the proposed amendments is being sought from the Chief Justice.

#### Solicitors (Higher Rights of Audience) (Certificates) Rules

The Law Society proposed to introduce these new Rules providing for a statutory mechanism for the issuance of a Higher Rights of Audience Certificate to a solicitor advocate in accordance with section 39P of the *LPO*. The Chief Justice has granted his approval in principle of these Rules. Upon completion of the drafting exercise in consultation with the Department of Justice ("DOJ"), The Law Society will apply for the Chief Justice's final approval of the new Rules.

## *Trainee Solicitors Rules ("TSR")*

Rule 14 is proposed to be amended to include The Chinese University of Hong Kong whose certificate issued to a candidate in an examination is to be treated as sufficient evidence of whether or not the candidate has passed or failed in the examination.

Approval in principle of the proposed amendments is being sought from the Chief Justice.

## Other Matters

Apart from reviewing the proposed legislative amendments and making recommendations to the Council as appropriate, the work of the Standing Committee included the following:

- (a) overseeing the administration of the *Continuing Professional Development ("CPD") Scheme*, the *Risk Management Education ("RME") Programme* and the *Overseas Lawyers Qualification Examination ("OLQE")*;
- (b) approving the documentation and logistics for the *OLQE*;
- (c) appointment of *OLQE* Examiners and reviewing their fees;
- (d) reviewing the results of the *OLQE*;
- (e) considering the proposal for a Code of Good Practice in the Recruitment of Trainee Solicitors;
- (f) co-option of members to the Standing Committee, the Legal Education Committee, and the *OLQE* Committee;
- (g) considering the overlap of work amongst the Committees;
- (h) appointment of part-time RME course tutors;
- (i) reviewing the amendments to the Statement of Compliance with CPD/RME requirements of trainee solicitors;
- (j) considering the appointment of Chief External Examiner and External Examiners to the Postgraduate Certificate in Laws ("PCLL") Programmes of the Chinese University of Hong Kong ("CUHK"), City University of Hong Kong ("CityU"), and the University of Hong Kong ("HKU"), and to the legal executive courses at the Hong Kong Institute of Vocational Education;
- (k) considering the third edition of the *Conduct Guide*;
- (l) considering amendments to the *Information Package for Registration as a Foreign Law Firm*;
- (m) considering the proposal to allow solicitors to practise from home, service centres and virtual offices;
- (n) considering the proposal for a common entrance examination ("CEE");
- (o) considering the representatives to be nominated to the PCLL Academic Board, the Board of the Faculty of Law of HKU, and the PCLL Academic Board of CUHK;
- (p) considering amendments to the *TSR*, Form 1B of the *AR Rules*;
- (q) considering the amendments to the *Summary Disposal of Complaints (Solicitors) Rules*;
- (r) considering amendments to the standard form of *Notification of Changes to a Practice*;

## STANDING COMMITTEE ON STANDARDS AND DEVELOPMENT

- (s) considering and approving amendments to the *CPD Information Package* and the *CPDIRME Training Record Form*;
- (t) considering applications submitted by individual attendees for attendance at local conferences to be accredited as a CPD activity;
- (u) considering amendments to the terms of reference of the Legal Education Committee;
- (v) considering S49A(3)(ea) of the *Employment Ordinance*;
- (w) considering the proposal of DOJ on how to enlarge the pool of locally qualified practitioners to provide pro-bono legal services;
- (x) considering rule 5AA of the *Solicitors' Practice Rules ("SPR")*;
- (y) considering the different forms and means of practice promotion and provisions in the *Solicitors' Practice Promotion Code*;
- (z) considering amendments to S8A of the *LPO*;
- (aa) considering changes proposed by DOJ to their *Legal Trainee Scheme*;
- (bb) considering applications under rule 9 of the *Overseas Lawyers (Qualification for Admission) Rules*;
- (cc) considering provisions of the *Competition Ordinance*;
- (dd) considering the double cohorts of law students graduating in the 2016/17 and 2017/18 academic years;
- (ee) considering the minimum wage of trainee solicitors.

### Members of the Standing Committee and their meeting attendances during the year:

Amirali B. NASIR ( <i>Chair</i> )	9/9	Ambrose S. K. LAM ( <i>resigned in July</i> )	2/5
Brian W. GILCHRIST ( <i>Vice-Chair until July</i> )	4/5	Ivan C. K. NG	7/9
Peter H. C. BARNES ( <i>resigned in April</i> )	3/3	Peter K. P. SIT	5/9
Bonita B. Y. CHAN	8/9	Sylvia W.Y. SIU ( <i>resigned in August</i> )	3/6
Warren P. GANESH	9/9	Thomas S.T. SO ( <i>joined in July</i> )	3/4
Stephen W.S. HUNG ( <i>joined in July</i> )	3/4	Simon S.P. TANG	6/9
Doreen Y.F. KONG ( <i>joined in April</i> )	5/6	Adamas K.S. WONG	5/9
IP Shing Hing	6/9	Dieter YIH ( <i>joined in July</i> )	1/4

Secretary: Director of Standards & Development

## Anti-Money Laundering (“AML”) Committee

The Committee held a meeting with the representatives of the Security Bureau in February exchanging views on the next *Mutual Evaluation* for Hong Kong to be conducted by the *Financial Action Task Force* in 2015 and the role of The Law Society as a self-regulatory organisation in enhancing the AML regime.

The Committee reviewed and approved the relevant AML provisions in the new *Conduct Guide*.

The Committee co-organised a seminar on AML issues with the Government in September. Mr. Michael Lintern-Smith, Chair of the Committee, was a speaker at the seminar. The seminar was well received and was attended by more than 230 participants.

The Committee also held a meeting with the representatives of the *Joint Financial Intelligence Unit* (“JFIU”) in September. In addition to the Committee Members, some Council Members also attended this meeting exchanging views on AML issues with the JFIU representatives. The JFIU representatives explained their policy and procedures in handling the suspicious transaction reports (“STR”). A circular on e-filing of the STR was also issued to practitioners in October.

### Members of the Committee:

Michael J. LINTERN-SMITH (*Chair*)  
Andrew J. DALE  
Serge G. FAFALLEN  
Jeffrey H. LANE  
Angela W.Y. LEE

Secretary: Assistant Director, Regulation & Guidance

## The CPD Scheme

The *CPD Scheme* aims at providing a convenient framework for the legal profession to meet the changing demands of clients and society by updating the practitioners on legal knowledge and skills.

The Law Society and the Hong Kong Academy of Law Ltd. (“Academy”) conducted a total of 512 CPD and RME courses during the year. Of the 512 courses, seven courses were conducted in Putonghua and/or Cantonese and the remainder in English. The courses attracted the attendance of 17,365 participants.

The Law Society and the Academy are grateful to the 124 presenters who contributed by sharing their valuable experiences and expertise.

Some of the highlights of these courses are:

### Civil Justice Reform (“CJR”)

CJR has been implemented since April 2009. The Academy organised two series of free specialised training sessions on CJR each consisting of five modules covering topics such as case management, originating process and pleadings, offers to settle, evidence, trials, appeals and costs. About 2,210 participants attended the specialised training sessions.

# STANDING COMMITTEE ON STANDARDS AND DEVELOPMENT



## Joint courses with Other Professions

To facilitate interaction with other professions and government departments, The Law Society and the Academy jointly organised courses of common interest with other professional bodies including the Hong Kong Bar Association ("Bar Association"), The Hong Kong Institute of Chartered Secretaries ("HKICS"), the Hong Kong Institute of Certified Public Accountants ("HKICPA"), and government departments including the Narcotics Division of the Security Bureau and the Companies Registry. Six such courses were held over the year and over 1,000 attendees attended these courses.



## The New Companies Ordinance

The new *Companies Ordinance* came into effect on 3 March 2014. The Academy organised six seminars on the new *Companies Ordinance* from September to December. Over 670 participants attended the seminars. More seminars on the new *Companies Ordinance* will be conducted in 2014.



## The Third Edition of the Conduct Guide

The third edition of the *Conduct Guide* came into effect on 1 January 2014. The Academy organised a seminar in October to brief members on the important changes to the *Conduct Guide*. A panel of speakers comprising members of the Conduct Guide Working Party of The Law Society was invited to speak at the seminar. Over 250 participants attended the seminar.

## Mediation

With the introduction of *Practice Direction 31*, mediation has increasingly been used as a means of alternative dispute resolution. The Academy offered two general mediation training courses, two family (one basic and one advanced) mediation training courses and a training course on mediation advocacy and representation during the year.

In addition, the Academy and the Mediation Committee of The Law Society conducted nine free sharing sessions on mediation. 11 speakers were invited to share their experiences with the participants on topics including practical tips in handling mediation cases, choosing the best mediation process model for clients' disputes, the roles and functions of the major government and quasi-statutory mediation organisations in Hong Kong and medical experts and expert reports in medical and personal injuries cases. The sharing sessions were attended by a total of 453 participants.

## Higher Rights of Audience ("HRA")

The Academy organised training courses on advocacy in October to facilitate solicitors who wish to take the assessments for HRA organised by the Higher Rights Assessment Board. The Academy conducted one course on criminal written advocacy, one course on criminal practical advocacy, two courses on civil written advocacy, and three courses on civil practical advocacy. 31 solicitors attended the courses which were conducted by trainers from the University of Law, London.

## Training Programme on the Convention Against Torture Claims and Refugee Law ("CAT")

The Academy organised its 3rd CAT training programme on 25–26 and 28–29 January to assist practitioners in handling CAT claims made under Article 3 of the *United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. Over 160 participants attended the programme.



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### Personal Data Privacy

The Academy organised two seminars by Mr. Roderick B. Woo, former Privacy Commissioner for Personal Data and Past President of The Law Society, on personal data privacy in October. The topics discussed included data protection principles and their applications to data users, exemptions and offences under the *Personal Data (Privacy) Ordinance*, transfer and use of personal data in due diligence exercises in business transactions, use of personal data for promotion of goods and services, changes introduced by the *Personal Data Privacy (Amendment) Ordinance 2012* and points for solicitors to ponder when advising clients. A total of 223 participants attended the seminars.



### Defamation Law and Reforms in the U.K.

The *Defamation Act 2013* was enacted in the U.K. on 25 April. The Academy organised a talk entitled "Free Speech, Reputation and Media Intrusion: British Law Reforms" by Lord Lester of Herne Hill Q.C. of Blackstone Chambers, London in October. Over 170 participants attended the talk.

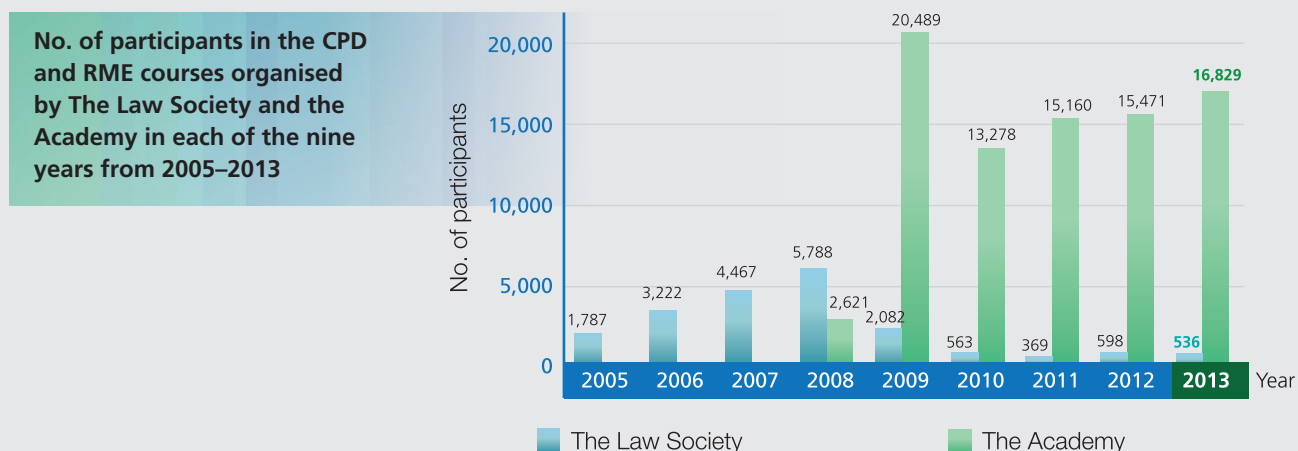


### Islamic Finance

Mr. Amirali B. Nasir, Council Member and Chair of The Law Society Islamic Finance Working Party, conducted a seminar entitled "Islamic Finance — the Legislative Proposals to amend the *Inland Revenue Ordinance* and the *Stamp Duty Ordinance*" on 10 August. The seminar provided an overview of the common types of Islamic Bond "*Sukuk*" and the provisions of the Inland Revenue and Stamp Duty Legislation (Alternative Bond Schemes) (Amendment) Bill 2012, which was gazetted on 28 December 2012.

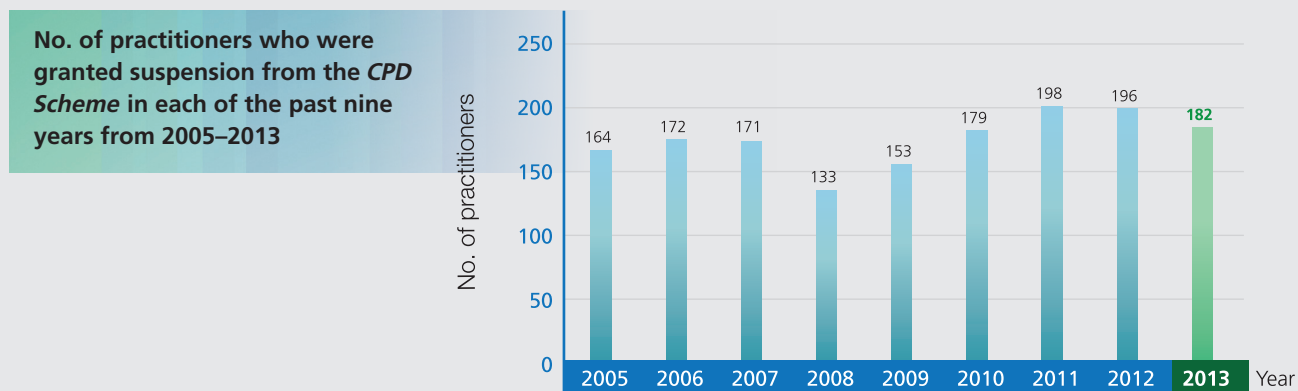
# STANDING COMMITTEE ON STANDARDS AND DEVELOPMENT

The attendance rates of the participants in the CPD and RME courses organised by The Law Society and the Academy in each of the nine years from 2005–2013 are as follows:



Pursuant to rule 9 of the *CPD Rules*, 182 practitioners were granted suspension from the *CPD Scheme* during the year.

The number of practitioners who were granted suspension from the *CPD Scheme* in each of the past nine years from 2005–2013 is as follows:



750 Statements of Compliance with CPD/RME requirements were reviewed and CPD audit was conducted on 485 practitioners. Arising from general enquiries and reports made by practitioners on their own initiatives, 14 solicitors and 22 trainee solicitors were found to have failed to comply with the *CPD Rules*. All cases of default were referred to the Compliance Department to be dealt with in accordance with the Council’s sanction policy.



# STANDING COMMITTEE ON STANDARDS AND DEVELOPMENT

## CPD Committee

The Committee met on one occasion to discuss the following issues:

- (a) the application for participation in local conferences by individuals to be accredited as a CPD activity;
- (b) the policy on carrying over CPD points for attendance at the RME Core Courses for Principals;
- (c) amendments to the 2012/13 *CPD Information Package* and the *CPD/RME Training Record Form*;
- (d) membership of *CPD Alliance*.

The Committee granted four full exemptions from participation in the *CPD Scheme* to practitioners on the ground of age, one exemption from complying with the CPD requirement pursuant to rule 8 of the *CPD Rules* and three partial exemptions from participation in the *CPD Scheme* to trainee solicitors whose term of trainee solicitor contracts had been reduced from the standard two-year period.

## Members of the Committee:

Sylvia W.Y. SIU (*Chair*)  
Douglas ARNER  
Ram D. BIALA  
Gerard W.H. CHUNG  
Iris CHEUNG

Alex K. L. LAU  
Alexandra D. W. LO  
Michael A. OLESNICKY  
Adamas K.S. WONG  
Victor C.K. YAU

Secretary: Director of Standards & Development

## CPD Accreditation Sub-Committee

The Sub-Committee accredited a total of 4,712 courses, compared with 4,586 courses in 2012. In terms of applications, 1,189 of the 4,712 courses were accredited on a course-by-course basis and 3,011 were accredited under the *Provider Accreditation Scheme*. The remaining 512 courses were conducted by The Law Society and the Academy. In terms of course providers, 29 of the 4,712 courses were provided by The Law Society, 508 were provided by the Academy, of which 385 were provided under the *RME Programme*, 509 were provided by commercial providers, and the remaining 3,666 were provided by in-house providers such as universities, professional bodies and law firms.

Apart from dealing with the applications for accreditation of the courses by paper circulation, the Sub-Committee also met on one occasion to consider, *inter alia*, the irregularities of course providers, applications for renewal of accredited provider status and accreditation of skills courses.

The Sub-Committee accredited two new providers under the *Provider Accreditation Scheme* during the year. The total number of accredited providers was 53 as at the end of the year. The Sub-Committee approved three postgraduate or other law courses and four legal journals and books, 113 legal researches, and accredited 14 committees and working parties for the purpose of compliance with the CPD requirements during the year.

Members of the Sub-Committee continued to monitor the standard of accredited CPD courses by reviewing course evaluation records and attending selected accredited courses. 47 courses were monitored during the year.

## Members of the Sub-Committee:

Sylvia W.Y. SIU (*Chair*)  
Douglas ARNER  
Ram D. BIALA  
Simon M.Y. CHAN  
Francis K.W. CHEN  
Johnny C.M. FEE  
John D.S. HO

Stephen W. K LAU  
Albert K.M. LEUNG  
Clara G.Y. LI  
Christopher H.W. SO  
Christie K.S. MOK  
WAN Clara Wing  
Sandy H.Y. WONG

Secretary: Acting Assistant Director, Professional Development

## Foreign Lawyers Committee

There were 239 candidates sitting the 2013 *OLQE*.

The Committee convened seven meetings. It dealt with 60 applications for exemption from sitting all or part of the 2013 *OLQE* in accordance with the guidelines issued by The Law Society. It considered four applications for eligibility to sit the *OLQE* and one application for admission as a solicitor.

The Committee also reviewed the exemption guidelines for sitting the *OLQE*.

## Members of the Committee:

Angela W.Y. LEE (*Chair*)  
Denis G. BROCK  
John C.K. CHAN  
Philip M.J. CULHANE

Hannah C.L. HA  
LI Huanting  
Rupert C. SKRINE

Secretary: Assistant Director, Regulation & Guidance

## Guidance Committee

The Committee met once and dealt with 13 enquiries from members and two referrals from other Committees or Departments within the Secretariat on matters relating to professional conduct including the following in the meeting and by paper circulation:

- (a) conflict of interest when acting for a judgment creditor in an interpleader action and for a trustee in bankruptcy at the same time;
- (b) limitation of a solicitor's liability to a third party;
- (c) issues of clients' confidentiality and legal professional privilege when a firm establishes a publicly accessible archive of historical documents containing clients' information and documents;
- (d) payment of administrative fee to a mediation service provider by a solicitor-mediator;
- (e) setting up a limited company by a solicitor to provide arbitration or mediation service;

- (f) a solicitor reneging his contractual obligations with his firm;
- (g) delivery of documents to a branch office of a law firm;
- (h) mandatory requirement to indicate the date on which a document is certified pursuant to *PD L.4*;
- (i) contractual nature of the scope of retainer and legal costs;
- (j) suspicion of proceeds of crime in client account;
- (k) attestation of documents by unqualified persons under *Practice Direction L.2*;
- (l) separate representation under *Practice Direction A.2*;
- (m) conflict of interest when acting for a client and the third party of the client's spouse in divorce proceedings;
- (n) non applicability of legal professional privilege for company secretarial service rendered by a foreign lawyer;
- (o) application of rule 2A(2)(b) of the *SPR* by a foreign firm which is not a branch office of an overseas firm.

### Members of the Committee:

Amirali B. NASIR (*Chair*)  
James J. BERTRAM  
Stephanie S.Y. CHEUNG  
Victor K.S. CHIU  
Richard CULLEN  
Alex K.L. LAU

Joseph C.W. LI  
Patrick R. MOSS  
Kenneth S.Y. NG  
Johnson M.H. TSANG  
Benny Y.B. YEUNG

Secretary: Assistant Director, Regulation & Guidance

### Legal Education Committee

The Committee convened three meetings. It considered the following:

- (a) establishment of a working party and tender proposals for appointment as consultants to conduct a consultation on the CEE;
- (b) results of the survey on the *PCLL Programmes*;
- (c) membership of the PCLL Academic Boards and sub-committees of the PCLL Academic Board of HKU;
- (d) membership and terms of reference of the Legal Education Committee;
- (e) comments made by the PCLL External Examiners on the PCLL courses and course materials in the monitoring forms;

- (f) applications for appointment as External Examiners for the PCLL courses;
- (g) appointment of Chief External Examiner of the *PCLL Programmes*;
- (h) reports of External Academic Advisors;
- (i) complaints against *PCLL Programmes*;
- (j) Benchmarks for legal executive courses;
- (k) submissions of The Law Society on the comprehensive review of legal education and training to be conducted by the Standing Committee on Legal Education and Training ("SCLET");
- (l) results of *International English Language Testing System*;
- (m) double cohorts of law students graduating in the 2016/17 and 2017/18 academic years.

A sharing session with the interns of law firms was organised in August. Senior legal practitioners in different fields were invited to share their valuable experiences with new entrants to the profession. About 87 participants took part in the sharing session.

Past President and Immediate Past President of The Law Society served as representatives of The Law Society on SCLET, which met on four occasions. The Secretary of the Committee continued to serve as Secretary of SCLET and as Secretary of the Sub-Committee of SCLET on English Language Proficiency.

## Members of the Committee:

Stephen W.S. HUNG (*Chair*)

Bonita B.Y. CHAN (*joined in January*)

Nicholas H.F. CHAN (*joined in January*)

Charles C.C. CHAU

John J. CLANCEY

HA Yiu Fai

Nancy B.Y. LEUNG (*joined in January*)

Isaac S. L. TAM (*joined in January*)

Adrian K.M. WONG

Felix K.Y. YAU

Secretary: Director of Standards & Development

## Mediator Accreditation Committee

The Committee convened seven meetings.

The Committee considered the following in the meetings and by paper circulation:

- (a) applications for accreditation as general and/or family mediators and/or family mediation supervisors;
- (b) courses on mediation advocacy;
- (c) applications for renewal of membership on the Panels of General and Family Mediators and Family Mediation Supervisors;

- (d) results of mediator assessments;
- (e) applications for reinstatement of membership on the Panel of General Mediators;
- (f) migration of incumbent Members on The Law Society's Panels of Mediations and Supervisors to the Panels of Hong Kong Mediation Accreditation Association Ltd. ("HKMAAL");
- (g) transitional arrangements on accreditation of mediators by Founder Members of HKMAAL;
- (h) accreditation documents issued by HKMAAL;
- (i) appeal against the result of stage 2 mediator assessment;
- (j) mechanism for admitting mediators accredited by HKMAAL onto The Law Society's Panels;
- (k) changes to the *Mediator Accreditation Scheme*.

The Committee accredited 20 general mediators, seven family mediators and one family mediation supervisor for inclusion on The Law Society's Panels of Mediators and Supervisors.

The *Mediator Accreditation Scheme* was formally launched in August 2005. The Law Society joined HKMAAL as a Founder Member and HKMAAL commenced operation on 2 April. HKMAAL resolved that all Founder Members including The Law Society should stop conducting its stage 2 mediator assessments by 15 July and accredit applicants as mediators by 15 September. Thereafter, all accreditation of mediators must be conducted by HKMAAL. All incumbent mediators on the Panels of the Founder Members are allowed to remain on the Panels of the Founder Members and in addition, they can migrate to the HKMAAL's Panels.

As of the end of the year, there were 247 solicitors on the Panel of General Mediators, 48 solicitors on the Panel of Family Mediators and 11 solicitors on the Panel of Family Mediation Supervisors. Further, 33 mediator assessments were conducted.

106 applications for renewal of membership on the Panel of General Mediators, 20 applications for renewal of membership on the Panel of Family Mediators and 5 applications for renewal of membership on the Panel of Family Mediation Supervisors were processed. Audit on 23 cases was conducted and 109 applications for renewal were approved.

96 applications of Panel Members to migrate to the HKMAAL Panel of General Mediators, 21 applications of Panel Members to migrate to the HKMAAL Panel of Family Mediators and 4 applications of Panel Members to migrate to the HKMAAL Panel of Family Mediation Supervisors were reviewed and The Law Society confirmed with HKMAAL the good standing or otherwise of these applicants.

## Members of the Committee:

Cecilia K.W. WONG (*Chair*)  
Michael H. BECKETT  
CHAN Bing Woon  
Junius K.Y. HO  
Maureen E. MUELLER  
Jody K.Y. SIN

Secretary: Director of Standards & Development

## OLQE Committee

The Committee met on two occasions including a joint meeting with the Chief Examiner and Examination Panel Convenors and Examiners.

The issues considered by the Committee in the meetings and by paper circulation included:

- (a) results of the 2012 *OLQE*;
- (b) feedback of the candidates on the 2012 *OLQE*;
- (c) the format and the logistical arrangements for the 2013 *OLQE*;
- (d) the 2013 *OLQE* Information Package and related documentation;
- (e) appointment of the Chief Examiner, Examiners and Panel Convenors and their fees;
- (f) the syllabus and reading list of each head of the *OLQE*;
- (g) applications for special arrangements to sit the *OLQE*;
- (h) procedures for formulation and selection of examination questions.

## Members of the Committee:

John R. BUDGE (*Chair*)  
Eugene C. GREGOR (*joined in July*)  
Mark LIN  
Arthur McINNIS  
Sylvia W.Y. SIU  
Donna L. WACKER

Secretary: Director of Standards & Development

# STANDING COMMITTEE ON STANDARDS AND DEVELOPMENT

## Convenors and Members of the OLQE Panels:

### *HEAD I : Conveyancing*

Myrette J. FOK (*Convenor*)  
Alisa W.C. KWAN  
Alexander H.S. LEUNG  
Michael LOWER  
George S.K. NGAI  
Simon J. REID-KAY

### *HEAD II : Civil and Criminal Procedure*

James E. JAMISON (*Convenor*)  
Amanda WHITFORT (*Convenor*)  
Melville T.C. BOASE  
William S. CLARKE  
Louis K.L. FUNG  
Christopher ELLIS (*joined in August*)  
Julienne JEN  
Nancy B.Y. LEUNG  
Martin D. ROGERS  
Bernard K.F. SIU

### *HEAD III : Commercial and Company Law*

Mark J. STEVENS (*Convenor*)  
Mary W.Y. AU-YUENG  
Felix W.H. CHAN  
Shirley S.L. CHUA  
Dennis H.F. HIE  
Alexandra D.W. LO  
Thelma TONG  
Adrian K.M. WONG

### *HEAD IV : Accounts and Professional Conduct*

Colin B. COHEN (*Convenor*)  
Michael WILKINSON (*Convenor*)  
Adrian J. HALKES  
Ludwig S.W. NG  
Peter K.P. SIT

### *HEAD V : Principles of Common Law*

Michael C. JENKINS (*Convenor*)  
Adrian K.M. WONG (*Convenor*)  
Shirley S.L. CHUA  
Julianne P. DOE  
Alex K.L. LAU  
Anthony F. NEOH, S.C.  
Peter F. RHODES

## OLQE

The 19th OLQE was held from 7 November to 19 December. A total of 239 candidates sat one or more written heads of the Examination. 239 candidates were from 23 overseas jurisdictions, nine of which were non-common law jurisdictions. Five candidates were Hong Kong barristers.

Of the 239 candidates, 170 candidates (71%) passed the Examination, having passed each of the heads that they were required to sit. 69 candidates (29%) failed the Examination, having failed one or more of the heads that they were required to sit.

**Figure 1: Examination results with respect to each head of the Examination**

	Head I		Head II		Head III		Head IV		Head V		The Exam	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Pass	172	83	30	71	36	80	31	42	4	100	170	71
Fail	36	17	12	29	9	20	43	58	0	0	69	29
Total	208		42		45		74		4		239	

Written Heads

Head I	Conveyancing
Head II	Civil and Criminal Procedure
Head III	Commercial and Company Law
Head IV	Accounts and Professional Conduct

Oral Head: Head V Principles of Common Law

**Figure 2: Jurisdictions of the candidates**

Jurisdictions	Number of Candidates	Percentage*
1 Australia	43	18.0
2 Belgium <sup>1</sup>	1	0.4
3 Canada	4	1.7
4 England and Wales	60	25.1
5 France <sup>1</sup>	1	0.4
6 Germany <sup>1</sup>	1	0.4
7 Hong Kong <sup>2</sup>	5	2.1
8 India	2	0.8
9 Israel	1	0.4
10 Italy <sup>1</sup>	2	0.8
11 Japan <sup>1</sup>	2	0.8
12 Mainland China <sup>1</sup>	14	5.9
13 Malaysia	4	1.7
14 New Zealand	11	4.6
15 Pakistan	2	0.8
16 Portugal <sup>1</sup>	1	0.4
17 Scotland	2	0.8
18 Singapore	8	3.3
19 Republic of South Africa	1	0.4
20 Sri Lanka	1	0.4
21 Sweden <sup>1</sup>	2	0.8
22 Taiwan <sup>1</sup>	3	1.3
23 U.S.A.	68	28.5
<b>Total</b>	<b>239</b>	

<sup>1</sup> Non-common law jurisdiction

<sup>2</sup> Barrister

\* The percentages have been calculated to the nearest decimal point. Therefore the aggregation of the percentages may not add up to 100%.



## RME Committee

The Committee oversees the administration of the *RME Programme* which aims at raising the awareness of risk issues and promoting good risk management of legal practice.

Since its implementation in November 2004, the *RME Programme* has been in operation for over nine years extending its application gradually to all Hong Kong solicitors practising as sole practitioners, partners, associates, consultants, trainee solicitors, and registered foreign lawyers working in Hong Kong law firms.

With the establishment of the Academy, the RME courses are all offered through the Academy.

Eight Module 1A, eight Module 1B, eight Module 2A and eight Module 2B of principals' core courses, seven Module 1 and seven Module 2 of non-principals' core courses, 13 Module 1 and 13 Module 2 of registered foreign lawyers' core courses, 25 Module 1 and 25 Module 2 of trainee solicitors' core courses, 22 compulsory first elective courses for trainee solicitors, and 219 elective courses were held during the year. The Committee monitored closely the evaluation of these courses by the course participants.

RME electives have since 1 November 2008 been offered free of charge to those participants who have to fulfil their RME obligations in the relevant RME practice year and who have not attended any other RME electives during that year. Free core courses have also been offered by the Academy to all trainee solicitors since 1 November 2009.

Since 2010, the Academy has offered RME core courses in Chinese to non-English speaking registered foreign lawyers. The courses are conducted in Putonghua.

The RME Committee convened one meeting during the year. Matters considered by the Committee in the meeting and by paper circulation included:

- (a) the appointment of part-time RME course tutors;
- (b) changes proposed to the *RME Programme*;
- (c) amendments to the Statement of Compliance with CPD/RME requirements;
- (d) amendments to the RME Information Package;
- (e) applications for exemption from complying with the RME requirements;
- (f) co-option of members to the RME Accreditation Sub-Committee;
- (g) free RME courses.

The Committee considered 77 applications for exemption from complying with the RME requirements pursuant to rule 8A of the *Legal Practitioners (RME) Rules*.

## Members of the Committee:

Cecilia K.W. WONG (*Chair*)  
CHUNG Lai Ming  
Warren P. GANESH  
Alex K.L. LAU  
Joseph C.W. LI

Secretary: Director of Standards & Development

## RME Accreditation Sub-Committee

The Sub-Committee is tasked with the responsibility to review applications for accreditation of RME course providers, courses and activities in accordance with the accreditation criteria.

The Sub-Committee considered 78 applications for accreditation and accredited 39 elective courses offered by law firms and other institutions and 20 elective courses offered by commercial providers.

Course provider accreditation for RME elective courses was introduced in 2007. The Sub-Committee considered seven applications for renewal of accredited providers status, and three new applications for accreditation as a provider. 10 law firms accredited as RME elective course providers offered a total of 145 in-house elective courses during the year.

The Sub-Committee also considered one application for writing articles, two applications for conducting legal research, and two applications for participation in committees for accreditation as RME elective activities.

## Members of the Sub-Committee:

Joseph C.W. LI (*Chair*)  
CHUNG Lai Ming  
Heather DOUGLAS  
Christopher KNIGHT  
Alan M.B. LAM  
Helen D. WALKER (*resigned in March*)

Secretary: Director of Standards & Development

## Trainee Solicitors Committee

The Committee convened two meetings to consider:

- (i) breach of trainee solicitor contract;
- (ii) the *Minimum Wage Ordinance* and the *Competition Ordinance*;
- (iii) minimum wage for trainee solicitors;
- (iv) S49A(3)(ea) of the *Employment Ordinance*;
- (v) trainee solicitors employed by DOJ and proposed changes to their *Legal Trainee Scheme*;
- (vi) double cohorts of law students graduating in the 2016/17 and 2017/18 academic years;
- (vii) rule 11 of the *Trainee Solicitors Rules*.

## Members of the Working Party:

Joseph C.W. LI (*Chair*)

John T. HARTLEY

Junius K.Y. HO

Ivan C.K. NG

Dieter YIH

Secretary: Director of Standards & Development

## Working Party on Solicitor Corporation Rules

The Working Party convened one meeting to consider:

- (a) questions raised by DOJ on the consequential amendments to the *LPO* and its subsidiary legislation;
- (b) the *Statute Law (Miscellaneous Provisions) Bill 2012*;
- (c) questions raised by the Judiciary on solicitor corporations and submissions to the *Panel on Administration of Justice and Legal Services* ("AJLS Panel") of the Legislative Council on those questions;
- (d) partnerships of solicitor corporations;
- (e) association between law firms and solicitor corporations.

The Law Society has obtained the approval of the Chief Justice in principle of the draft *Solicitor Corporation Rules* and the consequential amendments to 16 pieces of subsidiary legislation of the *LPO*. The Judiciary would like The Law Society to consult the AJLS Panel on 2 issues, namely, top-up professional indemnity insurance and identification of overall supervising partners in a solicitor corporation. The Law Society is liaising with the AJLS Panel on those issues.

On the drafting of the *Solicitor Corporation Rules*, the Society has finalised the drafting of the following with the Law Drafting Division (“LDD”) of the DOJ:

- (i) *Solicitor Corporation Rules*
- (ii) Consequential amendments to the:
  - (a) *Barristers (Qualification) Rules*
  - (b) *Foreign Lawyers Registration Rules*
  - (c) *Legal Practitioners (RME) Rules*
  - (d) *Solicitors Disciplinary Tribunal Proceedings Rules*
  - (e) *Summary Disposal of Complaints (Solicitors) Rules*

The Law Society is liaising with the LDD on the consequential amendments to the following pieces of subsidiary legislation:

- (i) *Accountant’s Report Rules*
- (ii) *AR Rules*
- (iii) *Foreign Lawyers Practice Rules*
- (iv) *Notaries Public (Practice) Rules*
- (v) *Practising Certificate (Special Conditions) Rules*
- (vi) *Practising Certificate (Solicitors) Rules*
- (vii) *Solicitors’ Accounts Rules*
- (viii) *Solicitors (Professional Indemnity) Amendment No. 2 Rules 2011*
- (ix) *SPR*
- (x) *Solicitors (Group Practice) Rules*
- (xi) *TSR*

### Members of the Working Party:

Junius K.Y. HO (*Chair*)  
Anthony W.K. CHOW  
IP Shing Hing  
Frederick K.C. KAN  
Christopher E. LAMBERT

Joseph C.W. LI  
Ivan C.K. NG  
Peter K.P. SIT  
Cecilia K.W. WONG

Secretary: Director of Standards & Development

## Working Party on SPR

The Working Party was established by the Standing Committee to consider and propose amendments to the *SPR* and to liaise with DOJ on the drafting of any amendments.

The Working Party convened two meetings.

Matters considered by the Working Party in meetings and by paper circulation included:

- (a) membership of the Working Party;
- (b) recommendations of the Guidance Sub-Committee on rule 5AA of the *SPR*;
- (c) over 75 queries raised by DOJ on the amendments to the *SPR*;
- (d) the *Solicitors' Practice Promotion Code*.

## Members of the Working Party:

Amirali B. NASIR (*Chair*)

Colin B. COHEN

IP Shing Hing

Elaine Y.M. LO (*resigned in July*)

Alex K.L. LAU

Patrick R. MOSS

NG Ching Wo

Ivan C.K. NG

Michael WILKINSON (*joined in November*)

Secretary: Director of Standards & Development

## Working Party on CEE

The Working Party convened three meetings including one video conference with the consultants appointed to conduct a consultation on the CEE.

Matters considered by the Working Party in meetings and by paper circulation included:

- (a) proposal for a CEE;
- (b) terms of reference of the consultation on the feasibility of introducing a CEE;
- (c) research agreement on the appointment of the consultants;
- (d) logistics of the consultation;
- (e) membership of the Working Party;
- (f) draft consultation document.

In addition, two Members of the Working Party, the Immediate Past President and the Vice-President of The Law Society attended a meeting of the AJLS Panel together with representatives from CityU, CUHK, HKU, the Bar Association and the Administration to brief the AJLS Panel on the consultation and to answer questions raised by the stakeholders and Legislative Councillors.

### Members of the Working Party:

Stephen W.S. HUNG (*Chair*)

Bonita B.Y. CHAN

Charles C.C. CHAU

Anthony W.K. CHOW

CHUI Pak Ming

HA Yiu Fai

Lester G. HUANG

Nadine LAI

Felix K.Y. YAU

Dieter YIH

Secretary: Director of Standards & Development

### Joint Working Group of the CPD and the RME Committees

The Joint Working Group met once to consider the following:

- (a) terms of reference of the Joint Working Group;
- (b) differences between the *CPD Scheme* and the *RME Programme*;
- (c) the *CPD Information Package*;
- (d) the *RME Information Package*;
- (e) terms of reference of the CPD and the RME Committees;
- (f) comparison of different aspects of the *CPD Scheme* and the *RME Programme*.

### Members of the Joint Working Group:

Sylvia W.Y. SIU (*Chair*)

Douglas ARNER

CHUNG Lai Ming

Warren P. GANESH

Alex K.L. LAU

Adamas K.S. WONG

Victor C.K. YAU

Secretary: Director of Standards & Development

## Guidance Sub-Committee to Review Rule 5AA of the SPR

The Sub-Committee met once and considered the proposed amendments to rule 5AA prepared by DOJ in the meeting and by paper circulation. DOJ raised certain drafting issues and the Sub-Committee will continue to communicate with DOJ on the proposed amendments.

Upon completion of the drafting exercise, The Law Society will apply to the Chief Justice for his final approval of the proposed amendments.

### Members of the Sub-Committee:

Amirali B. NASIR (*Chair*)  
James J. BERTRAM  
Richard CULLEN  
Stephen W.K. LAU  
Joseph C.W. LI  
Billy W.Y. MA

Secretary: Assistant Director, Regulation & Guidance

## Conduct Guide Working Party

The Working Party completed its review and updated the *Conduct Guide* which sets out the law and practice in effect as at 1 September 2012. A consultation on the new *Conduct Guide* with the general membership was conducted in March. The Working Party met once to discuss comments made by a firm and a university on the new *Conduct Guide* and submitted their views to the Council. The Council has approved the publication and distribution of the new *Conduct Guide*.

### Members of the Working Party:

Amirali B. NASIR (*Chair*)  
Stephanie S.Y. CHEUNG  
Richard CULLEN  
Joseph C.W. LI  
Patrick R. MOSS  
Michael WILKINSON

Secretary: Assistant Director, Regulation & Guidance

## STANDING COMMITTEE ON STANDARDS AND DEVELOPMENT

### **Working Party on Solicitors' Accounts Rules**

The Working Party met once to discuss the waiver guidelines under the new *Solicitors' Accounts Rules*, the proposed amendments to the *Manual on Solicitors' Accounting* and the issues raised by the Compliance Department.

#### **Members of the Working Party:**

Colin B. COHEN (*Chair*)  
Constance CARMICHAEL  
Billy W.Y. MA  
Helen MACKENZIE  
Amirali B. NASIR

Secretary: Assistant Director, Regulation & Guidance



Standards and Development Department